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ABSTRACT

Public hearings and workshops were held in five metropolitan areas to gather data about the problems women in American cities face when they try to acquire and maintain a place to live. The chief findings were: (1) women have faced and continue to face discrimination in marketing, lending, and shelter-related services: (2) discrimination against women has historically been overt but is becoming increasingly subtle: (3) women are not aware of the nature or extent of sex discrimination: (4) myths and stereotypes are the underpinnings of prejudicial attitudes toward women: (5) statistics pertinent to women's access to shelter or housing-related services are not available: (6) women outside male-headed households represent a sharply growing demographic trend: (7) discrimination on account of sex is frequently compounded with discrimination on account of some other characteristic: (8) lending institutions have discounted women's incomes when making decisions on applications for mortgage credit: (9) sex discrimination based in the law further reinforces sex discrimination in housing: and (10) women are virtually excluded from policy making jobs in the nation's shelter system. Recommendations which encourage solutions to these problems include public education efforts, government compliance efforts, data collection, affirmative government housing programs, local women's coalitions, and expansion of opportunities for women to participate in housing policy-making decisions. (Author/MK)

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WOMEN & HOUSING

A REPORT ON SEX DISCRIMINATION IN FIVE AMERICAN CITIES

JUNE 1975

U S DEPARTMENT OF HEALTH,
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U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
Office of the Assistant Secretary for
Fair Housing and Equal Opportunity

UD020716

WOMEN & HOUSING

A REPORT ON SEX DISCRIMINATION IN FIVE AMERICAN CITIES

Prepared by the
NATIONAL COUNCIL OF NEGRO WOMEN, INC.

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
Office of the Assistant Secretary for
Fair Housing and Equal Opportunity

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SUMMARY

1. What this Report is About

This Report is about the problems women in American cities face when they try to acquire and maintain a decent place to live.

It is also a Report about what we as a Nation can do about these problems.

It is, candidly then, a call for action -- action on behalf of 53 percent of the Nation's population, the American woman, who at one time or another during her lifetime stands an unconscionably high risk of being the victim of sex discrimination at the hands of the housing market.

We have reached our conclusions after a year of investigations under a contract with the U.S. Department of Housing and Urban Development [HUD].

During the course of our investigations we have listened to hundreds of women, in public hearings and less public workshops in Atlanta, St. Louis, San Antonio, San Francisco and New York. We heard them relate their experiences and those of others in scores of transactions involving attempts to buy a house or rent an apartment or secure a mortgage or purchase casualty insurance or get the plumbing fixed -- only to encounter sex bias in one shape or another. We learned that while racial minorities are sensitive to duplicity on the part of the "housing gatekeeper", the white woman finds discrimination a hard thing to comprehend. And others described the additional constraints faced by women who are poor, or Latin, or lesbians, or single parents, or old.

We have also heard from men. Some, husbands of working wives, spoke as victims of lender discrimination. But most were spokesmen from the shelter delivery system -- planners, developers, brokers, lenders, trade association officials -- who generally denied any knowledge of sexist practices or wrote them off as historical practices which have been abandoned. And where explanations for unequal treatment were volunteered, we found them anchored in myths about women no longer supported in fact.

We have drawn heavily on these conversations in our Report. Since few will read the 1260 pages of transcripts or listen to the hours of workshop tapes, we have liberally used witness testimony both to describe "what happened" and to draw conclusions about "why".

We have worked in a field where statistics are few and previous studies are fewer. We have tried to build, nevertheless, on what others have discovered before us. Their contributions are spread throughout the text, and readers wishing depth where we but expose the surface are referred to the references in the notes at the end of each chapter as well as items in the selected Bibliography attached as Appendix M.

2. Our Findings and Recommendations

> It [sex bias in housing] is alive and well. The chronicle of instances of discrimination showed that from all points of view, women are having problems. It is clear that local agencies have been active on race discrimination, but have not recognized sex discrimination.
>
> -- *Panel Member, Atlanta Hearing*

Women are having problems. These four words perhaps best summarize our findings which, taken together, yield a bleak portrayal of the inequities women face in our cities' housing markets. Whether as consumers of the *product* or as a participant in the shelter *process*, the American woman is a second class citizen. Some inequities are the consequence of *individual* male prejudices. Others are entrenched in *institutional* practices, underpinned by sexual stereotypes, which result in women being detrimentally viewed as statistical abstractions rather than as individuals.

Our investigations focused on five metropolitan areas. Yet the common barriers faced by women in each city compel our conclusion that this is a national problem.

Our chief findings are:

1. *Women in the cities studied have faced, in the past, discrimination on account of their sex on a variety of fronts in their search for shelter. Much of this discrimination continues to the present and includes sex bias in marketing, lending and shelter-related services. Lack of equal rental opportunity represents an especially pressing problem.*

2. *Discrimination against women, historically, has been overt; today it is increasingly subtle, disguised by ruses or hidden behind superficially neutral criteria, such as marital status, which in practice have a discriminatory impact.*

3. *Women, generally, are not aware of the nature or extent of sex discrimination. Nor have they been informed of existing legal remedies applicable to such conduct.*

4. *Myths and stereotypes about women are the underpinning of prejudicial attitudes shared by many persons in the housing system. These myths and stereotypes have deep roots in the nation's history and have played key roles in the socialization or conditioning of women and men in this country. Many are not now, nor have been, factually accurate.*

5. *Neither public agencies nor private organizations maintain and compile statistics pertinent to women's access to shelter or housing-related services and facilities. This absence of "hard data" represents an impediment to fashioning sure-footed solutions as well as raising the level of public awareness to the problem.*

6. *Women outside a male-headed household represent a sharply growing demographic trend in the cities studied. They are disproportionately adversely affected by a shortage of decent housing, moderately priced, in the cities studied, and by the marketing practices of those who control this*

7. *Discrimination on account of sex frequently is "layered" with discrimination on account of some other characteristic of a woman, e.g., her race, source of income or marital status.*

8. *Lending institutions have "discounted", partially or totally, a woman's income in making decisions on applications for mortgage credit. Some lending institutions will condition a mortgage loan on sundry devices which discourage child bearing by the mortgagors. We found conflicting evidence on the extent to which these practices of lenders continue.*

9. *Sex-based discrimination in the law, especially in laws relating to property, to family and to domicile, further reinforce sex discrimination in housing. Similarly, sex discrimination in other areas of American life, e.g., in employment, are interwoven with and reinforce such sex discrimination.*

10. *Women are virtually excluded from key policy-making jobs in the Nation's shelter system. This appears to be equally true in the public and private sectors.*

These findings paint a bleak picture. Yet, we are convinced that the Nation can, if it will, remove the inequities that women face in seeking and maintaining shelter in this country. This optimism, we believe, stands on solid footing.

It is knowing, for example, that the women's movement in this country continues to grow, showing impressive gains in many facets of American life. And while "shelter" has not been a priority item on the agenda of most women's organizations pressing for the elimination of sex-based discrimination, this is changing.

It is witnessing in Washington, D.C., on September 14, 1974, representatives from 100 women's organizations with a constituency of 60 million women, pledge their support to the Women and Housing Project. It is the concern and support of the First Lady, Ms. Betty Ford, who addressed the September 14, meeting. It is what we heard in workshops in Atlanta, in St. Louis, in San Antonio, in San Francisco and in New York City -- from hundreds of women agreeing to work through local coalitions for the elimination of sex bias in the housing system. It is knowing that in four of these cities, coalitions of women's organizations are indeed at work. Finally, it is the prospect that the new federal legislation and implementing regulations will, at last, place a "tariff" on sex discrimination, whether overt or subtle, and therefore remove this barrier of prejudice to a truly fair, rational and open housing market.

We have laced this Report with more than 20 recommendations in an attempt to encourage solutions to the problems delineated by these findings. Like the problem, which has many facets, its solution hardly lends itself to a simple recipe. Mindful of this, we recommend an attack on many fronts, including

- *public education efforts to inform women of problems and remedies as they relate to sex bias in housing, as well as to explode myths about women which underpin institutionalized sex discrimination;*
- *vigorous and persistent government compliance efforts;*
- *data collection to facilitate monitoring of industry and government practices, to pinpoint problem areas, and to measure progress;*
- *imaginative and affirmative administration of housing-related government programs in order to expand equal housing choice for women;*
- *coalitions of women working for reform at the local level; and finally*
- *expanding opportunities for women to participate in policy-making decisions which shape the growth and operation of the shelter system.*

While these recommendations outline important tasks for HUD, we do not believe that any single agency can or should be expected to shoulder this responsibility alone. Thus our recommendations are made through HUD to others as well -- the American public, the Congress, the State and local governments, industry, and most importantly, to the nation's women.

* * * *

This report was prepared for the U.S. Department of Housing and Urban Development (HUD), Office of Assistant Secretary for Fair Housing and Equal Opportunity pursuant to a Contract. The statements and conclusions contained herein are those of the Contractor and do not necessarily reflect the views of the United States Government in general, or HUD in particular. Neither the United States Government nor HUD makes any warranty, expressed or implied, or assumes responsibility for the accuracy or completeness of the information herein.

Chapter 1

POWER AND POWERLESSNESS: THE SEXIST BACKDROP

> *I definitely think there is a need for education. One (reason) is the fact that women feel very helpless and powerless when they are confronted with this kind of discrimination.*
>
> -- Woman witness, St. Louis Hearing, January 10, 1975

For some readers of this Report, this chapter should logically be the last, not the first. It is true that here we jump somewhat ahead of the story by setting forth conclusions for which only later do we offer documentation. It is also true that in Chapter 1 we suggest explanations for institutions' behavior which we do not describe until subsequently. There is, finally, the risk that those who disagree with what we say up front will forsake us and not be around for valuable material more narrowly focused on shelter itself.

Yet, these possible shortcomings in the order of our presentation are, in our opinion, outweighed by the need at the beginning of this Report to place "sex discrimination in housing" in its historical and social context.

To do this we are required to examine matters which transcend housing; to look back before we can look ahead; to make peace with history before we try to make sense of the present. To do this is also to be faithful to what so many women have told us in workshops and hearings around this land: that inequities women endure at the hands of the housing market are but part and parcel of the web of discrimination women tangle with in many facets of American life. They are inexorably all connected, each related to the other, like the gridwork in a super steel bridge, supporting a male-dominant and male-valuing society. As one witness told the Panel in San Francisco:

> Few women do, indeed, understand the extent of discrimination against them in the housing market. [Why?] I think, essentially, it is because of the intricate pattern of discrimination that women have faced all their lives. We have been so used to being part of a male decision-making world that we have accepted the discrimination against us without too much concern. [1]*

What is this "intricate pattern"? What is its genesis? Its present manifestations? Turning to these questions, we devote the ensuing sections to discussions of:

- Urbanization and the American Family
- Myths Widely Current about Women in America
- Male-valuing Society and the Laws of Property and Family
- Male Domination of the Housing System
- Powerlessness and the Non-recognition of Discrimination

* * * *

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* Ed. Note: Notes are designated by [ ] and follow each chapter.

1. Urbanization and the Husband-Wife Family

> *Paternalism was a pre-industrial scheme of life, and was gradually becoming broken in the nineteenth century. Negroes and women, both of whom had been under the yoke of the paternalistic system, were both strongly and fatefully influenced by the Industrial Revolution. For neither group is the readjustment process yet consummated.*
>
> -- Gunnar Myrdal, *An American Dilemma*

"The backbone of American society", so many a political figure has been fond of reciting, "is the American family". It isn't surprising that this kind of rhetoric is less evident in 1975, because the reality of the American family is rapidly -- irreversibly perhaps -- in change. What has heretofore been the nature of the American family, and how is it changing?

America as a frontier society in the 18th and 19th centuries was of necessity greatly dependent upon European cultural heritages to inform and discipline its emerging democratic way of life. To a large extent the accepted ways of life presupposed a strong father in family life and, still more importantly, dictated the pre-eminence of the traditional husband-wife family over other forms of co-operative living arrangements. While communities, religions, societies and entire cities - for example, Salt Lake City's Mormons - were organized applying novel or even revolutionary living arrangements, the vast majority of Americans accepted and reinforced what were essentially European concepts of husband-wife family living.

The central feature of these traditions was the belief in the dominance of the husband over the affairs, the life choices, the habits, aspirations and property of his wife. The Americans added to this tradition another key concept, drawn largely from their national struggle with wilderness and undeveloped resources. This American innovation in an essentially European family tradition was a sharp division of labor between the husband and wife in which the husband's work was chiefly outside the habitat and wife's work was almost completely within.

The European concept of the dominance of the husband in the home may well have been in natural conflict with the American spirit of liberty. Certainly there has been a tradition of revolt against male supremacy -- a tradition of outspoken women whose spirit seems fired by a uniquely American faith in the natural equality of all people, regardless of sex, race, creed, color or national origin. Long before there was a political movement for women's emancipation from the borrowed traditional roles assigned her in the home, individual men and women spoke and wrote about her problems. Writing in 1838, Alexis deTocqueville sensed the American woman's discontent with the authoritarian family traditions brought from his own continent and reflected:

> In America the independence of women is irrecoverably lost in the bonds of matrimony. If an unmarried woman is less constrained than elsewhere, a wife is subject to stricter obligations. The former makes her father's home an abode of freedom and of pleasure; the latter lives in the home of her husband as if it were a cloister ... [2]

The uniquely American division of labor between two unequal marriage partners appears in retrospect to have driven deep the nails of oppression, because it required of women not only that they stand up for their equality and their equal share of power in the family, but also that they challenge the work roles that they were assigned. The latter was simply too much under the conditions of an undeveloped American economy in which physical strength frequently determined job fitness. Thus limited in her scope to the hearth and wash basin, the American woman was substantially denied access to the social and political instruments of government and largely kept out of commerce except as a consumer participant.

Within this scheme of things, women who were young and single were regarded primarily as in transition from the role of child to the role of wife. Women who failed to marry were defined chiefly by their unmarried status in society -- 'spinsters' -- as were women no longer married -- 'widows' and 'divorcees'. Despite a proud history of feminist struggle [3] to alter these conditions, there was little emancipation from their social situation until the shattering effects of World War II were felt in the United States.

The mere enunciation of democratic principles of government in an earlier America was not their concrete realization. In this sense America has had need of a continuing evolution toward the achievement of ideals written in the Declaration of Independence, the Constitution, the writings of early patriots and leaders of the people. Since the power of the husband-father was a countervailing social force to democratic organization of family life, the sharing of this power is part of the process of progress. The idea of a male "head of the house", however, was fixed with obsessive force throughout most of the two centuries of our nation's life. DeTocqueville remarked on it:

> ... Nor have the Americans ever supposed that one consequence of democratic principles is the subversion of mental power, or the confusion of natural authorities in families. They hold that every association must have a head in order to accomplish its object, and that the natural head of the conjugal association is man. They do not therefore deny him the right of directing his partner ... [4]

This anti-democratic accommodation of male power in marriage was at first written deeply into the body of American law.

> Our statute books gradually became laden with gross stereotypical distinctions between the sexes and, indeed, throughout much of the 19th century the position of women in our society was, in many respects, comparable to that of blacks under the pre-Civil War slave codes. [5]

It achieved a singular quality of durability spanning the centuries owing to the domestication of woman's role, the confining of her acceptable duties to inside the home. For it was the power of the role distinction between man and wife which could be buttressed by the necessities of biology -- child bearing -- and sanctified in myth. Again, we may call upon DeTocqueville to comment upon the early appearance of this phenomenon in America:

> In no country has such constant care been taken as in America to trace two clearly distinct lines of action for the two sexes ... in two pathways which are always different. American women never manage the outward concerns of the family, or conduct a business, or take part in political life; nor are they ... ever compelled to perform the rough labor of the fields, ... an American woman cannot escape from the quiet circle of domestic employments ... [6]

While noteworthy women [7] did speak out against this oppression, the domestication of women in the married and unmarried state remained largely unassailable as an instrument for the oppression of women until the dawning of the industrial age. For some, a high water mark in sex role determinism was the U.S. Supreme Court's decision a century ago in Bradwell v Illinois. In that case the Court upheld Illinois' power to prevent Myra Colby Bradwell from practicing law because she was a woman. And Justice Bradley earned himself an unenviable and permanent niche in feminist history with his concurring Opinion in which he proclaimed:

> Man is, or should be, woman's protector and defender. The natural and proper timidity and delicacy which belongs to the female sex evidently unfits it for many of the occupations of civil life. The constitution of the family organization, which is founded in the divine ordinance, as well as in the nature of things, indicates the domestic sphere as that which belongs to the domain and functions of womanhood. The harmony, not to say identity, of interests and views which belong, or should belong, to the family institution is repugnant to the ideas of a woman adopting a distinct and independent career from that of her husband ... The paramount destiny and mission of woman are to fulfill the noble and benign offices of wife and mother. This is the law of the Creator. [8]

With industry came a realignment of economic forces with respect to labor. High percentages of black women and a small percentage of white women joined the labor force before the turn of the last century. This was substantially a working-class development; middle-class women remained house-bound. Women's entry into the labor force was not without its dangers, pains and dislocations.

By the turn of the last century the States were ready to begin protecting women from the excesses of industrial participation. "Protective legislation" -- proscribing women's participation from a long list of occupations in industry -- was enacted in several States. In 1908 a case reached the U.S. Supreme Court, Muller v Oregon, which was to supply language and precedent to both defend the State protective legislation and to lay a basis for its misuse in arbitrarily discriminating against women in employment and elsewhere. In its Opinion, the Court used these words:

> ... Differentiated by these matters from the other sex, she is properly placed in a class by herself, and legislation designed for her protection may be sustained, even when like legislation is not necessary for men, and could not be sustained ... [9]

As Leo Kanowitz points out in *Sex Roles in Law and Society*, from this language the courts extracted what was deemed a principle that 'sex is a valid basis for classification':

> ... a principle that is often repeated mechanically without regard to the purposes of the statute ... the subsequent reliance in judicial decisions upon the Muller language is a classic example of the misuse of precedent, of later courts being mesmerized by what an earlier court had *said* rather than what it had *done*. [10]

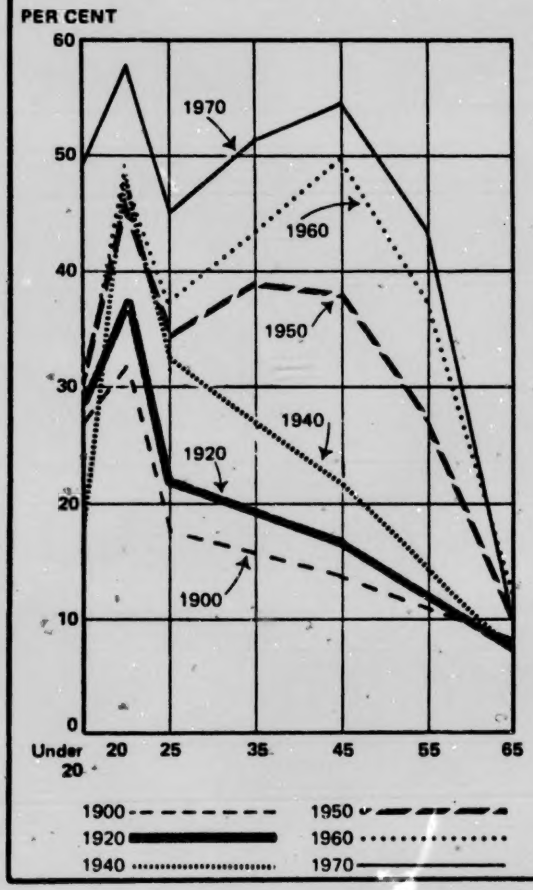
Of course what the Court had done was to protect the ostensible interests of a woman by upholding a law designed for that purpose. But the 'principle' was put to use in a sexist context and applied to a long list of cases including some that, e.g., excluded women from juries, excluded women from licenses and denied women admittance to colleges and universities.

Therefore, we recognize in an earlier America a population that was substantially agrarian and had domesticated women to fit the labor demands of that society, unceremoniously embracing increasing industrialization and urbanization after 1870. In that society most families had functioned as self-sufficient units. This began to change with the growing dependence upon industry. As women began to leave the home and go into industry and commerce they did so mostly by exchanging the production of goods at home for the production of similar goods and services for pay -- textiles, domestic services, e.g., State protective legislation prevented women from moving outward from this closed province of labor. So that by 1920, more than half the population had moved to the cities, but women were still predominantly bound to the home or involved in industries closely allied to domestic consumption. Today when only 5 percent of Americans make their living in agriculture, the domesticity of women is a lingering myth or a cruel hoax capable only of counter-economic and counter-productive effects.

It is important to note that the development of new roles for women can be traced from a consistently increasing percentage of women in the work force since 1900.

[See Figure 1.]

FIGURE 1. FEMALE LABOR FORCE PARTICIPATION BY AGE FOR SELECTED YEARS, 1900—1970



Sources: U.S. Department of Labor, *Manpower Report of the President*, March 1973, and U.S. Bureau of the Census in cooperation with the Social Science Research Council, *The Statistical History of the United States from Colonial Times to the Present*, 1965.

From 1900 to about 1940, this pattern of her participation was marred by two constraints important in terms of housing problems. One constraint was that 'protective' legislation prevented millions of women from taking jobs that would have afforded them better pay, greater opportunity and would have helped more to dissolve the notion that woman's place was in the home. The second constraint evident in the pattern of participation in the work force was the timing of her employment. When a woman worked it was usually before marriage, or at very least before she had children; thus her participation was usually transitional in nature.

Valerie Oppenheimer has written on this aspect of women's work force participation, [11], making clear that this pattern of entering the work force created expectations which continue to mitigate against the full acceptability of women in work participation, continue to limit women's consciousness of their potential and a male-valuing society's recognition of women's great employment resources.

The bombs that fell on Pearl Harbor also shattered old ideas about women working outside the home, altered the pattern of that participation in fact, and defined her continuing participation as an economic priority. Women of all ages entered the work force with the result that the end of the war brought no return to the earlier shattered pattern. The new pattern which emerged was one in which women no longer were home-bound whether before or after marriage and children. [12] They were moving toward full participation.

2. Myths Widely Current About Women in America

> *There is a presumption that women are unreliable credit risks because they might become pregnant and lose their source of income ... This presumption is based on several other presumptions ... Needless to say these presumptions are generally unfounded. The morbid preoccupation of creditors with pregnancy is certainly outmoded by mores and changing social customs.*
>
> -- Witness, Atlanta Hearing,
> November 8, 1974

* * *

> *To be sure, women as a group experience outrageous discrimination, outrageous discrimination because of the myths that surround their capacity to earn money are like the myths that surround the capacity of minorities to earn money.*
>
> -- Witness, New York Hearing,
> April 11, 1975

Saying that people are mesmerized by myths about women's role is not to imply that these beliefs, although in error, are not powerful. Indeed, the essence of the vitality of these beliefs is that they serve the interests of preserving power in the hands of those who are not governed by these beliefs. Hence, the importance of overcoming in the public consciousness the power of these myths that keeps them believable in spite of the facts.

A number of significant trends, we saw in the previous section, indicate that women's goals and work force participation have changed profoundly since the turn of the century and again since the outbreak of the Second World War. These changes are both overlooked and even denied outright. The facts are piling up that our beliefs as a people have been based on attitudes and traditional value statements whose validity desisted when steam replaced muscle power, but which have dominated the public consciousness nonetheless. Unwittingly perhaps, our educational system and the public media have played key roles in the sex stereotyping process. [13]

At the source of an array of myths may well be the term 'housewife' which uniquely expressed what in deTocqueville's era was the proper relationship between woman's role and woman's place in society. 'Housewife' could literally be interpreted as short for 'home-bound/subservient to husband'.

Elizabeth Janeway spoke to this issue even in the choice of title in Man's World, Woman's Place, reflecting the commonly held locational bias about women. [14] That a woman's only place is in the home is a myth, for her primary function in society need not be in the home. Although for a majority of women marriage and family is still her chosen role, her obligations to the home need be no more so than those of her male companion. Additionally, more women are seeking alternative lifestyles to marriage. Divorce is ascendant, and non-traditional households are growing in numbers far more quickly than husband-wife households. [15] The mother, too, of the 1970s typically wants and needs additional roles outside her family -- increasingly she may be the sole parent in the family.

Perhaps as a result of the oppressive nature of life for the 'housewife', the Women's Movement since the 1960s has sharply criticized the myths concerning the sanctity of marriages tied to traditional obligations. No marriage which binds a woman to servitude and conscious deference to male power can surround itself with the robes of sanctity. This critique places us on notice that women must now achieve the economic resources to live with or without a man, the social resources to find strength and support within and outside marriage, and the will to do both. If women are to continue entering marriage in the future, the sharing of power and authority equally between the sexes must be assured.

Far reaching changes in the lives of women, as we suggested in the previous section, are resulting from their enormously increased participation in the work force. In this connection, the assumption that a woman will necessarily marry, have children, and quit working, perhaps valid until 1940, has become these last 35 years a myth which is hostile to women's aspirations and inimical to her objectives of equal participation.

Before the War, working women dropped out when they became pregnant and it was almost unheard of for middle-class women, other than teachers, nurses and those in federal civil service, to work. Thirty-five years later, the labor force contains more than 60 percent of all wives living in homes with annual incomes over $10,000 and more than half the mothers of children 6 to 17 years of age.

Though nobody polled the nation in 1939 to see if it wanted this complete change in women's work, it probably would have answered that such change was impossible. The fact of change is, however, with us today and beliefs to the contrary are based on myth. Work for middle-class and working-class women has become the rule rather than the exception, and the sphere of women's employment and participation has been permanently enlarged. [16]

The myths of the 'housewife' and the 'transitional worker' have contributed to the persistence of a litany of erroneous assumptions on the part of mortgage lenders and those involved in the provision of housing or the delivery of housing services.

> Isn't it possible that some of our lending criteria -- perhaps especially those dealing with women -- might be based not on fact but on time-honored assumptions so old that they have taken on the appearance of fact?
>
> -- *Eugene H. Adams, Chairman, Governing Council, American Bankers Association, June 23, 1973*

The answer to Mr. Adams is, "Yes, they are!"

Until the passage of legislation yet too new to fully evaluate, it has been the custom of mortgage lenders to discount women's salaries -- in whole or part -- based on presumptions that women per se are poor credit risks because they will become pregnant and lose their source of income. Not only did this presumption activate this myth each time a woman was denied fair credit, but it implicitly faulted women for lacking the sound judgment to know when to incur debts in relation to prospective motherhood and employment.

We heard many tell us in public hearings in the five cities that this form of pernicious discrimination harms far more than a woman's credit opportunity -- it does violence to her self-esteem, her confidence in dealing with economics on an equal footing with men.

Yet another false assumption by mortgage lenders that has taken the hypnotic power of myth is the traditional perception of the homeowner as a husband with a stay-at-home wife or at least a regular husband-wife household. A white family headed by a male whose income is sufficient by itself to carry the cost of home purchase conforms easily to the traditional criteria of the lending community and is readily approved. But the myth affects minority families,

families headed by women, families in which both the wife's and husband's incomes are necessary and single persons who do not fit as well into the traditional perception of homeowners held by lending institutions. Their applications fall victim to the myth and are frequently handled arbitrarily. [18]

Further consequences of myths about women operate in the lender's disinclination to grant a loan to a woman who wants to purchase a house, or a landlord to rent a single family dwelling to a woman.

In one instance, the lender or landlord falsely assumes that men are rather handy with repairs "whereas a woman has to hire someone".[19] As one witness retorted:

> [I know of] situations where a landlord suggests that they will not rent to women because women will not be able to keep up the property, the assumption being that every man is a marvelous carpenter, a marvelous plumber, and capable of doing almost anything in the household ... I know enough men who are simply thumbs when it comes to handling a hammer and a screwdriver ... [20]

In the second case, the myth is simply contrary to the facts that women work to provide needed income. Indeed, almost two-thirds of the women who work for pay either have no husband or a husband whose income is under $7,000 a year -- a low figure by 1975 standards. The money these women earn is all or a major part of the income of these families, yet the myth of women working for 'pin money' persists.[21]

So as one witness phrased it, "The notion that women are temporary workers is an unfounded old husband's tale" used to prop up discriminatory practices. [22] In the face of hard evidence to the contrary, many creditors assume that virtually all women will marry, have children, leave the work force, and therefore fail to meet their financial obligations. [23]

The problems of single women in relation to these myths are particularly grave. A widely held view in mortgage lending is that any single woman must present a stronger position on paper than a male counterpart, i.e., their credit and income must be more secure than those of single men and their credit histories merit more close examination.

> The myth generating all this extra concern holds that the female is inherently unstable and incapable of conducting her own affairs. She allegedly needs the protection of a male, usually a husband or father. In the lending industry the myth translates into a reluctance to grant a mortgage loan outright and often, a requirement of an assumption or a male cosignee. [24]

Debunking old myths is no simple task. At the Hearings of the National Commission on Consumer Finance, for example, one seemingly enlightened HUD official told the Commission with obvious pride, "that the income of a working wife was now fully counted toward federally insured mortgage loans 89 percent of the time". Then he aroused the Commission's ire with this admission:

> But ... a single person's application for a three-bedroom home ... 'likely would be rejected' because he or she had 'no obvious reason' to own a three-bedroom ... [25]

Commission member Senator William Proxmire (D-Wis.) stormed in reply, "Why is it any of your business?", adding that a single person with adequate income should be approved. [26]

Myths about women are no less evident in the forms of discrimination encountered in the rental of housing. The presumptions that women are less capable of maintaining property, unable to cope with fatherless children, sexually indiscreet, or have a higher vulnerability to crime are commonplace in rental market behavior. Even the presumption that women tenants have "frequent parties" was mentioned in our Hearings. [27]

Divorced women, the Hearing Panels were told, are bad risks as tenants because they are largely dependent on alimony and child support payments subject to termination at any time. While true in some cases, this myth ignores the truth "that more and more divorced women are going out to find themselves jobs to help support themselves and their children. In 1972 well over half of all divorcees were working or looking for work." Nor are they likely to leave that workforce if they remarry, for we know now that "a woman who is divorced and working at age 35 can be expected to work for at least 29 more years".[28]

The debunking of these myths will depend upon public awareness and understanding of the facts together with enlightened public policy barring discriminatory actions linked to the myths about women. [29]

* * * *

We are often prisoners of our own misconceptions. Hence, the most prevalent myth -- my firm or agency does not discriminate -- reflects the "inadvertence" of many sexist practices. Therefore, we recommend that HUD, *in conjunction with the President's Advisory Council on the Status of Women, the Women's Bureau of the Department of Labor, and the Federal Financial Regulatory Agencies, develop and carry out a multimedia, national public education campaign, to explode misconceptions about women which arrest their movement toward economic independence and reinforce a psychology of oppression limiting their consciousness of self-esteem.*

3. Male-Valuing Society and the Laws of Property and Family

The relegation of women to the confines of the home and the myths that governed society's attitudes have conspired to deny women equality. This denial of women's rights, we are convinced, is intimately interwoven in the fabric of criteria for participation in the Nation's commercial life, in its socialization processes and in its legal system. What women face is predicated upon the frame of mind of the male population -- hence a male-valuing outlook on life. [30]

Dr. Lipman-Blumen, a sociologist with the National Institute of Education, described in a written statement for the Panel in New York how sex discrimination in housing as in other areas of American life grows out of a conditioning of women from earliest childhood.

> The socialization of women as dependent, vicarious people makes both men and women believe that females cannot deal with adult financial responsibilities. Thus, even if women maintain steady salaries, they hardly can be expected to know how to allocate resources. Women, even women with steady and substantial incomes, therefore are regarded as suspect in terms of financial ability and responsibility. This stereotyped thinking persists despite ample evidence that women often control family budgets, run family and their own businesses, deal in the stock market and otherwise

> demonstrate their financial competence.
>
> Again socialization patterns that perpetuate myths of women as childlike and dependent only strengthen the prejudices that preclude women from financial responsibility.
>
> Social myths that "keep women in their place" as vicarious achievers who can deal with their environments only indirectly through their relationships with direct achieving males are difficult to overcome.
>
> Socialization patterns that begin in earliest childhood are perpetuated by all our social institutions -- including the educational and occupational structures of our society.
>
> As a result women's labor force attachment is threatened, which in turn reinforces beliefs about women's financial unreliability. The discrimination women experience from the housing industry linked to banking and insurance, is only the expected end-product of these outdated and stereotyped attitudes and socialization patterns. [31]

This socialization, or conditioning, has been reinforced by the Law's disparate treatment of women.

Because sex discrimination has long been *de jure*, it's recognition came early in women's struggle for liberation -- as excerpts from the First Women's Rights Convention in 1848, proclaimed:

> The history of mankind is a history of repeated injuries and usurpations on the part of man toward women, having in direct object the establishment of an absolute tyranny over her ...
>
> He has never permitted her to exercise her inalienable right to the franchise ...
>
> He has made her, if married, in the eye of the law, civilly dead ...
>
> He has so framed the laws of divorce ... as to be wholly regardless of the happiness of women ...
>
> He has monopolized nearly all the profitable employment ... As a teacher of theology, medicine or law, she is not known.
>
> He has denied her the facilities for obtaining a thorough education, all colleges being closed to her ...
>
> After depriving her of all rights as a married woman, if

> single and the owner of property, he has taxed her to support a government which recognizes her only when her property can be made profitable to it. [32]

Writing 125 years later, Justice Brennan in Frontiero v Richardson recalled the 19th century position of women in our society:

> Neither slaves nor women could hold office, serve on juries, or bring suit in their own names, and married women traditionally were denied the legal capacity to hold or convey property or to serve as legal guardians of their own children. [33]

Testimony was offered by lawyers during the Hearings in California, Missouri and Texas that sex-based discrimination in property and family laws persist[34] -- notwithstanding the reforms of Married Women's Property Acts in the 19th century in most States. [35] The single woman escapes most of the sexist laws; it is the married woman who is burdened by legal inequities -- based on "the old common law fiction that the husband and wife are one ... [which] has worked out in reality to mean ... the one is the husband". [36]

A few illustrations, perhaps, will suffice to show the pervasiveness of residual legal discrimination affecting the married woman.

CHANGE OF SURNAME

Upon marriage the woman loses her surname and acquires that of her husband. Where this is not required by law, e.g., in Missouri, custom so decrees it that few women resist the loss of their surname, and the resulting "destruction of an important part of her personality".[37]

DOMICILE

A wife's legal residence, or domicile, follows that of her husband irrespective of her wishes, beliefs or intention. This is significant because domicile determines many rights, and privileges, including the right to vote, to enjoy free state-operated education, to run for and hold public office and many others.

If one views housing not simply as the physical artifact but as referring to "the whole complex of activities, satisfactions, rights, obligations, conveniences, and expectations surrounding the use of a particular dwelling unit" then the husband's lawful power over domicile has substantial housing implications.[38] In New York, an attorney made the point:

> Marriage and divorce are not really covered when we talk about the anti-discrimination law in housing, and I think shelter is really a better word than housing, because for example, in matrimonial law you will find such areas as women being bound to follow the domicile of their husband. That's a problem of shelter or discrimination in housing, but it is not the kind of thing that the anti-discrimination laws deal with. [39]

HUSBAND: LEGAL MANAGER OF FAMILY

And even in the four States where a married woman has the equal right to establish her domicile, the husband retains his legal prerogative to select the actual marital residence. For the wife to refuse to follow the husband to his choice of residence may give the husband grounds for divorce. This power of the man is an incidence of his lifetime managerial powers over the family and its property -- a power he enjoys in community property and common law States alike. One legal commentator on married women's status in community property States has written:

> Despite such assertions and popular lay opinion, it is simply not true that the community property system treats the husband and wife as equals with respect to property they have acquired during the marriage. To be sure the husband's superior power has diminished since the system's inception ... Yet he remains exclusive manager of the community in six of the eight [in California but not in Texas] community property States, and his wife's interest in community assets remains distinctly less valuable than and inferior to his. [40]

Thus, in a community property State, such as Texas and, until recently, California, as manager of the community property, the husband makes contracts on behalf of the community. The wife ordinarily is not empowered to do so, except with the husband's consent -- unless he has disappeared, become incapacitated or failed to provide necessities. [41]

The husband's lifetime managerial powers allow him to extend his power over the estate beyond the grave.

While most States seek to protect the wife against complete disinheritance through the "elective" or "forced share",[42] the laws which empower the husband with title to or control over property acquired during marriage, allow substantial "waste" of the probate estate before death.[43] California has taken a step to prevent the husband from disposing of all community property before his death by requiring the wife's consent in writing before any gift of community personal property is valid.[44] And in all [community property] States, a wife must join in the alienation of the residence, although to not obtain it does not render the transaction void, but only voidable. Thus in California if the husband who held record title to the real property sells it to a bona fide purchaser without knowledge of the manager, the transfer is presumed valid.

To set the transaction aside, the wife must bring an action within a year from the filing of the deed of record. [Calif. Civil Code, §5127(West 1970)]

Some community property States give the husband superior rights to will marital property. In New Mexico, for example, the wife's interest in half of the community property expires at her death and the whole goes to the husband. He, on the other hand, has full testamentary powers over his share. [45]

And in California the husband is given continuing power over his wife's share of the community property pending her estate's administration. During this period he is entitled to change its form (though not its status as her share), and it remains subject to his debts. Only when the personal representative demands the wife's share for distribution under the wife's will, must the husband relinquish it -- and only after his creditors get their share. Little wonder then that man is said "to put woman on a pedestal in order to avoid looking her in the eye". As one commentator stated:

> No justification for these niggling but nevertheless damaging distinctions has been offered and none can be convincingly made. They are created by statute and linger as unpleasant remnants of the husband's lifetime managerial powers. [46]

Even when law reform removes the "unpleasant remnants", many lenders continue practices which presume the existence of laws no longer on the books. As one lending official told the Florida Bankers Association in 1973:

> Assumption ... is that legal restrictions on a married woman's ability to make contracts prevents bankers from extending credit to married women without their husband's consent.
>
> The fact is that most states now have Married Women's Property Acts, which allow a woman to acquire, own and transfer all kinds of property exactly as if she were single. She may make contracts. She may sue and be sued. She may get herself into debt -- all without her husband's signature, and in many cases, without even his knowledge.
>
> Several states, however, still have laws on the books that limit a married woman's ability to conduct certain business transactions. Most of these laws are archaic, written for another time when women were not working outside the home and generally did not have independent incomes.
>
> But that time has long since passed. [47]

The ratification of the proposed Equal Rights Amendment to the U.S. Constitution and a passage of comparable State amendments to their constitutions can provide a basis of removing these statutory distinctions which relegated women to inferior status.

We recommend that *the Secretary of HUD commend to the Nation's Governors, and the respective State Commissions on the Status of Women, a legislative action program which shall include the ratification of the Equal Rights Amendment to the U.S. Constitution, the enactment of comprehensive fair housing legislation covering sex, sexual preference, and marital status; and the reform of laws relating to domicile, property and family which adversely impact on a woman's right to acquire, hold, maintain and transfer shelter of her choice.*

4. Men Dominate the Nation's Shelter Industries

The autumn of 1974 found America in the grips of a mean recession. President Ford announced a major Summit on the Economy for late September. To generate ideas for that meeting, HUD Secretary James Lynn held two "pre-Summit" meetings.

To the first, Secretary Lynn asked representatives from every segment of the shelter system to help "find solutions to inflation and other economic problems". On the list were home builders, bankers, apartment owners, savings and loan representatives, trade unionists, mobile home manufacturers, planners,economists. All together, 70 key industry leaders were invited to Atlanta to discuss problems and proposed strategies.

None were women. [48]

To a second conference, eleven days later, Secretary Lynn convened state and local elected officials and others to "explore possible ways of limiting government expenditures at the state and local levels, tax policies, and the overall role of local government in controlling inflation". 26 attended this Washington meeting.

None were women. [49]

In the Bureau of National Affairs' Housing Development Reporter [hereafter HDR] there is a Directory of Major Housing and Development Organizations. Most of the 56 organizations listed have their top officers identified in the Directory.

None are women. [50]

Two federally chartered corporations and one federal association are the conduits for much of the country's residential mortgage money. Their nicknames -- Fannie Mae, Ginny Mae and Freddie Mac -- belie their male domination. They have 128 directors, top officers and field managers.

None are women. [51]

The Senate Committee on Banking, Housing and Urban Affairs originates almost all of the key housing legislation for that branch of Congress. Thirteen senators serve on the Committee.

None are women. [52]

On the House side, the subcommittee on Housing and Community Development performs a comparable role on housing legislation. 28 persons serve on this subcommittee.

One is a woman. [53]

Rural housing construction in many communities depends upon the assistance channelled through the U.S. Farmers Home Administration. 30 top officials in Washington and another 42 state office directors administer FmHA programs.

None are women. [54]

Most states have established or have designated a "State Housing Agency". HDR's Director of State Housing Agencies identifies 74 persons who run these agencies.

Four are women. [55]

Eight of the Nations's largest builders and apartment management corporations, employing more than 42,000 persons and having annual sales in 1974 of more than $2 billion, are controlled by 138 directors and top officers. Only one -- a Vice President for Design and Environment -- is a woman. [56]

One of the Nation's largest suppliers of building materials with 1974 sales of $1.50 billion and nearly 30,000 employees, has a 16-person Board of Directors and lists 26 key officers and managers.

One, the Corporate Secretary, is a woman. [57]

The Nation's largest private mortgage insurer, with 710 employees and operations in most states, is controlled by 22 persons who comprise its Board of Directors and top corporate officials.

None are women. [58]

When Carla Anderson Hills became HUD's first woman Secretary in March of 1975, she inherited a federal agency whose Washington headquarters was headed by a senior echelon of 104 persons. [59]

Only three of these were women:

- the Assistant Secretary for Equal Opportunity,
- the Women's Co-ordinator, and
- the Assistant to the Secretary for Programs for the Elderly and the Handicapped. [60]

In the field, HUD's programs are administered in 10 Regional Offices, 38 Area Offices and 37 Insuring Offices. All have directors or acting directors.

Only one is a woman:

- the Director of the Camden, New Jersey Area Office.

Men run the Nation's shelter system. This is what various studies have proclaimed; it is what several witnesses told the Panelists in the five cities of the Project. Women may share (although *unequally* as we shall see in later chapters) the system's products. They do not share the decision-making which governs its operations.[62]

The appointment of a woman to head the U.S. Department of Housing and Urban Development represents a welcome encroachment on male exclusivity. This must continue.

We recommend, therefore, that HUD

1. *Examine its utilization of women and that of its contractors; and based on this examination, take appropriate action to expand equal employment for women within HUD, including goals, targets and timetables, and to take corrective action against contractors who are not in compliance with HUD requirements.*

2. *Request the Equal Employment Opportunity Commission to report to it on women's utilization in both the public and private sectors of the housing industry, including employment in real estate brokerage, mortgage lending, secondary mortgage operations, planning departments, multi-state housing developers, private mortgage insurance, life and casualty insurance and housing management. Based on said data, HUD should make appropriate recommendations relating to the increased utilization of women in "non-traditional" jobs, and the elimination of sex stereotyping of jobs throughout the housing industry.*

5. Powerlessness and the Non-Recognition of Discrimination

> *I leave you a respect for the use of POWER: We live in a world which respects power above all things. Power, intelligently directed, can lead to freedom.*
> -- Mary Mcleod Bethune,
> *My Last Will and Testament*

The New York Times of October 12, 1973 reported the following item:

> The President of the New York State Bankers Association, Howard Cross, conceded yesterday that banks might discriminate against women in making loans, but he said that the men at the top were not responsible ... [63]

Woman's exclusion from positions "at the top" has resulted in a sense of powerlessness to do anything about sex prejudice. Though this feeling of futility or helplessness was not shared by all participants, particularly not by women who have been actively involved in the Women's Movement, many echoed the lament of the witness at the St. Louis Hearing:

> ... women feel very helpless and powerless when they are confronted with this kind of discrimination.

Adding to her sense of powerlessness is woman's blindness to the extent of her victimization at the hands of the men "at the top". Yet, from the 'miracle of dialogue' which characterized the Project's five workshops, women gained both insights into their situation and inspiration to do something about it. All agreed that more attention must be given to shelter.

As a Missouri legislator aptly put it:

> In the recent years since public awareness has turned to cases scrutinizing sex discrimination, the major documentation that has been collected has been basically in the area of jobs and employment related matters. And I do not feel that discrimination against women in housing has accumulated more than a minor paragraph in the volume of material that has been collected. [64]

Key public agencies responsible for planning and implementing housing programs in their areas neither possess nor collect statistics and other information pertinent to women's needs for, or access to equal housing opportunities. Even the Housing Census data often fail to provide the "sex" breakout which could shed valuable insights into the housing stock women occupy, where, how much they pay for it, and its condition.

We recommend that HUD *undertake -- and encourage other appropriate federal agencies to undertake -- the collection, use and publication of data pertinent to the housing needs of women; the participation of women in federally supported housing and community development programs; and such other data as necessary to assess the implementation of these recommendations.*

The need for information and understanding is particularly acute when dealing with bias. People who discriminate rarely shout such a fact from the house tops. When it is overt, preferential treatment masquerades as 'sound' business practices. More often it is covert, masked by an excuse, or evasive tactics or simply silence. The victim, unsuspecting, accepts the "Oh, I'm sorry, but it's already rented ..." and chases the next listing. While racial minorities are more apt to suspect duplicity on the part of the housing gatekeeper, the white woman finds discrimination 'a hard thing to comprehend', even though it takes its toll in restricted options, higher shelter costs, and the damages from humiliation and emotional pain:

> Well, I have to take a deep breath. I still feel emotional after some six years. I still have a hard time controlling myself, let's put it that way, when I talk about it. [65]

As we shall see in Chapter 6, few, if any, of the victims who testified were aware of any remedy under federal, state or local law for sex discrimination in housing. And those organizations who would like to overcome this lack of information are frequently without the capability to mount such an effort alone. As the chairperson of the Missouri Commission on the Status of Women told the Panel:

> I am not empowered as Commission Chairperson to do this public service job that you [Women and Housing Project] are doing. Yes, you are fact-finding, but you are additionally making women aware of just who they are. I

> have no mechanism to inform the women of Missouri that there is an August 1974 federal law which may in a very direct way or indirectly apply to them. [66]

HUD can -- and should -- begin the job of overcoming the American woman's lack of awareness through educational programs which start within "its own house".

We recommend that HUD *conduct workshops for its employees to increase the awareness level respecting the problems women face in acquiring shelter on a nondiscriminatory basis, and to inform them where they may go to get help.*

We shall return to this problem, with additional recommendations, in the last chapter, but first let us look closer at the faces and disguises of sex bias in housing.

Notes for Chapter 1

1. Testimony of Aileen Hernandez, consultant, San Francisco Hearing, 42. [Ed. During the course of the Project, hearings were held in Atlanta, Georgia on November 8, 1974; in St. Louis, Missouri on January 10, 1975; in San Antonio, Texas on February 7, 1975; in San Francisco, California on March 7, 1975, and in New York City on April 11, 1975. Throughout these notes, references to the transcripts of these five hearings will be cited simply as Atlanta Hearing,7 to denote page 7 of the transcript for that city. A copy of the transcripts is available in the Library of the U.S. Department of Housing and Urban Development, 451 7th Street,S.W., Washington, D.C. 20410.]

2. Alexis deTocqueville, Democracy in America (Mentor, 1956).

3. Eleanor Flexnor, Century of Struggle: The Women's Rights Movement in the United States, (Cambridge, Belknap Press of Harvard Univ. Press, 1954).

4. DeTocqueville, op.cit., pp.244-5.

5. Justice Brennan, Frontiero v Richardson, 411 US 677(1973).

6. DeTocqueville, op.cit., p.244.

7. For example, in 1848, Elizabeth Cady Stanton and Lucretia Mott drafted the famous Declaration of Sentiments and convened the First Women's Rights Convention in Seneca Falls, New York where it was adopted on July 19 of that year. See, generally, Century of Struggle, loc.cit., at note 3.

8. Bradwell v Illinois, 83 US 130,141(1873).

9. Muller v Oregon, 208 US 412(1908).

10. Leo Kanowitz, Sex Roles in Law and Society (Univ, of New Mexico Press, 1973) p.467.

11. Valerie K. Oppenheimer, The Female Labor Force in the United States, Population Monograph Series, No. 5, Berkeley, Calif. 1970, p.10.

12. Ibid., p.5. The involvement of women in the workforce during World War II was an accepted "non-traditional" involvement, largely unhampered by the myths of women's role and the emphasis on "protection". This suggests the malleability of the female workforce as the society identifies its needs.

13. See, e.g., Report on Sex Bias in the Public Schools, 1971 from NOW, 28 East 56th Street, New York, New York; Liberating the Media, a Report available from Freedom of Information Center, Box 858, Columbia, Missouri 65201; and discussion and materials in Chapter 6, infra.

14. (New York: Dell Publishing Co., Delta edition, 1971) p.86.

15. Ross and MacIntosh, The Emergence of the Female-Headed Household (Urban Inst. 1973).

16. William M. Chafe, The American Woman: Her Changing Social, Economic and Political Role, 1920-1970 (N.Y. Oxford Press: 1974) p.247.

17. Remarks by Eugene H. Adams before the Florida Bankers Association, Bal Harbour, Florida, June 23, 1973.

18. U.S. Commission on Civil Rights, Mortgage Money: Who Gets It? A Case Study in Lending Discrimination in Hartford, Connecticut, (June, 1974) p.2. [Hereafter, Hartford Study]

19. Ibid., p.54.

20. Testimony of Aileen Hernandez, op.cit., p.45.

21. U.S. Department of Labor, Women's Bureau, Why Women Work, June, 1973.

22. Maxine Robinson, Women's Information Center, YWCA, Atlanta Hearing, 48 (I).

23. John P. Herzog and James S. Farley, Home Mortgage Delinquency and Foreclosure, New York National Bureau of Economic Research, 1971.

24. Hartford Study, p.52. For additional references, see Center for Women Policy Studies, Women and Credit: An Annotated Bibliography (1974).

25. Washington Post, June 4, 1973, p.4.

26. Ibid.

27. Testimony of Mary Lou C-- [victim], San Francisco Hearing, 95.

28. Eugene H. Adams, op.cit., at note 17.

29. See Chapters 5 and 6, infra.

30. This outlook, to be sure, is being challenged. In this country, Betty Friedan, in The Feminine Mystique (New York, Dell Books, 1963), was perhaps the first to call attention to how modern woman's self has been detrimentally conditioned by male-valuing society.

31. Prepared Statement, Dr. Jean Lipman-Blumen, Director, Women's Research Staff, National Institute of Education, New York Hearing, April 11, 1975.

32. Quoted in Babcock, Freedman, Norton and Ross, Sex Discrimination and the Law (LittleBrown, 1975) p.1.

33. Frontiero v Richardson, 411 US 677(1973).

34. Testimony of (a) Frankie Freeman, St. Louis Hearing, 151-168; (b) Zaide Kirtley, San Francisco Hearing, 31-41; (c) Patricia Vasquez, San Antonio Hearing, 29-46.

35. The scope of this legislation varied from State to State. Generally, it granted married women the right to contract, manage their separate property and to sue and be sued in their own right. A typical provision is section 2-2801 of the Georgia Code: "All property of the wife at the time of her marriage, and all property given to, inherited or acquired by her, shall remain her separate property, and not liable for the debts of her husband".

36. United States v Yazell, 382 US 341, 359-361(1966), Justice Black dissenting.

37. Kanowitz, op.cit., p.41.

38. Mandelkar and Montgomery, eds., Housing in America: Problems and Perspectives (Bobbs-Merrill Co., 1973) p.6.

39. Testimony of Emily Goodman, New York Hearing, 59.

40. Younger, "Community Property, Women and the Law School Curriculum", 48 N.Y.U. Law Rev. 230-40 (1973).

41. Ibid.

42. Plover, "Trusts and the Mistrusted Widow", reproduced in Babcock, Freedman, Norton and Ross, op.cit., p.164.

43. Ibid., p.615-18.

44. 13 Stanford Law Rev. 610 (1961).

45. Younger, op.cit., pp.211, 240-1, (1973).

46. Younger, op.cit., p.241 (1973)

47. Remarks by Eugene H. Adams, *loc.cit.*, at note 17.

48. Bureau of National Affairs, *Housing Development Reporter,* "Current Developments:, September 9, 1974, pp.403-4. [Hereafter *HDR*]

49. *Ibid.*, p.404.

50. *HDR*, pp.04:0001-04:0007 (June 16, 1975).

51. *HDR*, pp.70:1101-70:1303 (pages undated).

52. *HDR*, p.05:0007 (May 5, 1975).

53. *HDR*, p.05:003 (June 2, 1975)

54. *HDR*, p.40:1501 (March 24, 1975); pp.40:1601-1603 (undated).

55. *HDR*, pp.50:0031-50:0035 (June 17, 1974).

56. Standard and POOR's *Register of Corporations, Directors and Executives* (1975). Companies are listed under numerical classifications covering shelter-related industries, e.g., 6552. The one woman, identified by female name, is the Vice President of Design and Environment at Arlen Realty and Development Corporation of New York.

57. *Ibid.*

58. *Ibid.*

59. Prentice-Hall, *Equal Housing Opportunity Reporter*, p.2101, (dated April 21, 1975) - 2102 (dated December 16, 1974).

60. *Ibid.*

61. The studies of women's employment in the shelter-related industries have concentrated on lending institutions. They found women to be relegated to lowest level, most poorly paid jobs in the credit industry. Report of Council on Economic Priorities in 1972, as cited in *Minneapolis Tribune*, October 25; Testimony of Herbert S. Denenberg, Pennsylvania Insurance Commissioner, before the Joint Economic Committee of U. S. Congress on July 12, 1973; *Hartford Study*, Chapter 5. Testimony in the Hearings we conducted provided independent support for this point. A San Antonio banking official testified that women are grossly under-represented in the top levels of finance in that city -- women representing at most 40 out of more than 400 upper level people. Only an equally small percent of policy-level positions filled by women in savings and loan associations was reported by

a representative of the Greater St. Louis Savings And Loan League during Hearings in that city. While claiming that 10 to 15 percent of professional jobs were handled by women, the witness admitted that only one association out of 29 in the urban area was actually headed by a woman. Perhaps the situation was best summed up by a witness in Atlanta who represented a Women's Information Center and when asked in her extensive experience how many mortgage officers were women, responded, "I don't know of any females..."

62. P.14.

63. Testimony of DeVerne Calloway, St. Louis Hearing, 104.

64. Testimony of Sharon B-- [victim], St. Louis Hearing, 218.

65. Testimony of Betty Adams, Chairperson, Missouri Commission on Status of Women, St. Louis Hearing, 202.

Chapter 2

THE WOMAN APARTMENT SEEKER
AND
LANDLORD BIAS

> *We have single women who call us because they are having difficulty securing housing. ...They have complained to us that they're told by landlords and realtors that they just don't want women in the housing units.*
>
> -- Witness, San Francisco Hearing, March 7, 1975

Single women -- unmarried, widowed, separated or divorced -- represent a major share of the market for the Nation's rental units. [1]

Shunned frequently by the seller of single family dwellings, grudgingly accommodated by the mortgage creditors (often on discriminatory terms), reluctant to assume the responsibilities of home ownership, and generally lower on the economic scale, the single woman in the urban metropolitan areas probes the shelter market for the medium-priced unit, with basic amenities, in a safe neighborhood and strategically-located relative to public commuter transportation and shopping.

Two harsh realities often emerge from her quest for this shelter: (a) these units are in increasingly short supply relative to the demand, and (b) landlord bias.

* * * *

1. The Moderate-Priced Apartment: A Seller's Market

In cities covered by this Project the single woman faced in 1974-1975 a tight rental market.

Summing up the situation in Atlanta, a city official told the Hearing Panel:

> The moderate priced apartment in the Atlanta area, as in many other cities, is very scarce. The demands for such housing far exceed the supply. [2]

Another witness, the Director of the YWCA Women's Information Center in Atlanta, described the situation:

> In this city -- and I'm sure in many other cities -- it is almost impossible for one, single person that is on an average income to find an adequate apartment and furnish it on just one income, just one person. [3]

In St. Louis, the need for larger apartment units we found to be acute -- particularly for the lower income family.

> We have a serious over-crowding condition of larger family units. We are not accepting any applications for three, four or five bedroom units because we have 800 families or better in overcrowded conditions already in public housing. [4]

Perhaps the tightest market, however, is in San Francisco, a city where 75 percent of the women who head households are renters. [5] There the vacancy rate is reported to be a low 2.5 percent, with an even lower 1.6 percent for large (3-4 bedroom) units. [6] In New York, faced with the annual loss of many units through abandonment, the situation is nearly as bleak. [7]

These market conditions are far from even-handed in their impact on men and women because of woman's greater dependence on rental units (especially moderately-priced apartments). In New York, for example, while 75 percent of the households are rental, 84 percent of those headed by women rent as do 87 percent of single women.

This greater dependence on the rental market for shelter is the product of various factors. Women earn less than men.

> In almost every family status and age category, the mean incomes for females are significantly lower than those of males. [8]

Even where a woman can afford a home purchase, she encounters (as we shall see in Chapter 3) sex-based discrimination that tends to keep her in an apartment. And where she is awarded the house as a part of the property settlement, the divorced woman frequently is forced into more modest rental quarters because of the unreliability of support payments and problems of job market re-entry. [9]

Particularly disadvantaged by the tight conditions is the woman heading a household. Far more likely to have child custody than the man, the divorced woman parent is often in search of the rare find -- the moderately-priced 3-4 bedroom apartment in a decent neighborhood.

> Q. The new development tends to be smaller units in the city [of St. Louis], doesn't it?
>
> A. Again, this is more conducive for the developer, certainly to build a smaller unit, one bedroom or two bedroom, but this certainly does not serve our needs.
>
> Q. Therefore, is it correct to conclude that the net effect of this weighs more heavily against women, because they are the ones, especially the female head of household, that have the larger families?
>
> A. I would agree with that, yes. [10]

2. Sexism and the American Landlord

> The least wanted tenants are women -- elderly females and single women with children
>
> -- San Francisco Hearing

The woman fortunate enough to find a vacant apartment or house for rent, suitable to her needs and pocket-book, must overcome still another hurdle: landlord sex bias. In some cases we found this discrimination to be bold and blatant. More frequently, however, it is subtle and disguised, a step removed from "No women wanted" but in impact just as real -- and just as wrong.

OVERT SEX BIAS: ONE FACE OF DISCRIMINATION

Discrimination has many faces. Today where its basis is race it rarely shows itself as outright bigotry. Sexism, however, is not so shy, as we listened to women detail their experiences in seeking access to rental units in 5 American cities.

> During the last week in February of 1974 a girl friend and I [a woman] noticed a flat which appeared vacant on Larkin Street in San Francisco .. We went over to the [rental] office and was informed that the apartment was available immediately ... when we said that we were two single women .. she stated she preferred to rent to a couple of men. [11]

In another California incident, the woman applicant for an advertised vacancy was simply told the apartment was on the top floor and that the landlord had reserved that floor for men. Similar overt bias occurs when a woman is refused the rental of a house because the landlord wants "a man to keep up the property". [12]

Even where the unit is available to a woman, it is often on discriminatory terms. One San Antonio woman told the Panel:

> I guess it was about six months ago I [a white female] started looking for an apartment and I started going to apartment complex and houses that offer apartments. And sometimes they just turn you down. They say no, we are full up and you know they are not ... I remember one in particular ... a private individual also quoted me different rates, like \$90 for a couple and \$120 for a single man and \$160 for a single woman. [13]

In St. Louis, a representative from the National Organisation for Women, which operates an answering service for women seeking advice and assistance, reported receiving calls from women "who said that realtors would not rent to them". This was corroborated by victim testimony illustrating the overt bias of some St. Louis landlords.

> About the first of November, I had to find a house and I only had a month ... A friend of mine called me and told me [of a vaçancy] ... She gave me the phone number and so I called them ... they informed me they won't rent to divorced women. [14]

In several cities, single women seeking rental units reported that they were required to get a male to co-sign the lease, and without regard to either her or his financial status. [15]

* * * *

The faces of discrimination, however, are not always open and apparent. Countless excuses are offered when denying a woman the option to rent a vacant unit or a place on a bona fide waiting list. As the housing industry's knowledge of the new prohibitions on sex discrimination increases, we can expect overt bias in some quarters to be replaced by subterfuge.

> In 1975 discrimination against women in the ... rental of housing in New York, based on sex, is still widely practiced, but in such subtle forms as to make its actual determination extremely difficult. [16]

> I was talking to a woman yesterday who told me when she wears her regular everyday clothing to apply for an apartment, the landlord says to her, "We don't want any welfare mothers." And when she got dressed up and he said, "We don't want any hookers." [17]

Three facially neutral criteria surfaced during the Hearings and Workshops as prevalent practices in the rental industry for refusing to rent to women:

(1) Children are not allowed.

(2) Prefer married couples.

(3) Sorry -- no single roommates.

Each, either because it is a ruse or because it has a discriminatory impact on women, may violate Federal or State laws or both prohibiting sex discrimination in housing.

Most women find that landlords will take a pet before he's going to take a child.
Witness at San Francisco Hearing

NO CHILDREN, PLEASE

In our society, women far outnumber men in functioning as a single parent with custody of one or more children. Far more than men, the woman's shelter needs are influenced by her responsibility for rearing children of marriages broken by abandonment, voluntary separation, divorce or death. Thus, a landlord policy of "no children admitted" tends to have greater exclusionary consequences for women than for men. This is clearly so if the prohibition is on single parents with children. As a New York attorney, Janice Goodman, suggested to the Panel:

> Denying housing to people with children is really discrimination against women, since we all know the parent with custody of the child is usually the mother. So making this blanket rule that we don't want children or unmarried parents is really direct discrimination against women. [18]

We found that landlords openly pursue such policies in all 5 cities.

> We have attempted to pass legislation in the City dealing with women who are heads of households with children. We have failed to pass that legislation so far ... because many of the women on the Board did not conceive of that as a sex discrimination problem. We are very much aware that it is a sex discrimination problem because men with children do not have the same difficulty in finding housing in the City of San Francisco. [19]

> We received a call from a woman who was denied an apartment because she had a child and she was told that the children weren't welcome in that apartment complex. [20] --- St. Louis

> I [divorced, white, 3 children] personally visited eighteen different complexes in the St. Louis metropolitan area which were apartment complexes. Only three of those complexes would permit me to fill out an application. Only two showed me a model apartment. None of them called to give me an answer of any kind ... When I called, each one gave me the same answer, "We no longer have an opening." [21] --- St. Louis

> By far the largest complaints [are from] the women who call [concerning] housing complaints by and large from single women who are parents ... There is a pattern in the kind of responses that potential [landlords] give to single-parent women, and that is that they are concerned that the children of single-parent women are not disciplined and do not have the kind of supervision that they need; and, therefore, they become problem children in the complex and in the neighborhood. [22] --- Atlanta

> At the present time [divorced, white, 4 children] I am looking for a place to live ... I was on California Street the other day and there was a place that had three bedrooms and was large enough for my family and I was told that the rent was $400 a month, so I didn't panic when he said $400, but I asked him if I could see it and I said, you know, "Well, fine, how about a deposit?" So he said, "Well, the deposit, you have $100 deposit?" So then he asked if I was married and I told him that I was divorced and I told him that I had kids ... he said, "Oh, I forgot to tell you there is another $400 for the deposit", making a total of $900 to move in. [23]
> --- San Francisco

> The problem of sex discrimination is more easy to define when you're dealing with female-headed households ... It's difficult for families with children to find decent housing in the City and it's even more difficult for single women with children. [24] --- San Francisco

> They [landlords] often won't rent to a single parent or a certain woman with children. The reason given is that the children will tear the place apart or something. [25]
> --- San Antonio

> We find that divorced women with children are especially hard hit. There seems to be some kind of attitude ... that children are not wanted unless there is a man in the family. [26]
> --- New York City

Sex discrimination may manifest itself in other than the outright denial of access. In New York one witness told the Panel that while two-bedroom apartments will be rented to a single parent with one male child; if the child is female, the woman parent is rented only a one-bedroom apartment which parent and child share "no matter what the age is". [27]

In screening applicants, some New York landlords refuse to count alimony payments, child care "or even public assistance". [28]

The growth of households headed by women is one of the most dramatic demographic phenomenon of the past decade. "Of the net increment of 2.3 million households between the March 1971 and 1972 Current Population Survey dates, fewer than half were headed by a husband-wife couple".[29]

And the fastest growing household, by far, is the woman-headed family with children. [30] Any policy to expand decent shelter opportunities for these households must take into account the discriminatory market behavior which these households confront in major metropolitan areas.

One city has acted to discourage discrimination against families with minor children. As a result of the efforts of the Fair Housing for Children Coalition, the San Francisco Board of Supervisors on June 23, 1975, made it unlawful to refuse to rent a dwelling "based on the potential tenancy of a minor child". Assisting in this effort, many local organizations, including the Coalition of Women and Housing which grew out of the Project, joined to call the City's attention to the existence of such discrimination and press for remedial action.

Another dimension of the problem, the Panels were told, is the absence of child care facilities. In New York City where 83 percent of the female-headed households rent, one witness warned the Panel:

> ... very little attention has been paid to the specific needs of female heads of households with young children, and this goes beyond the question of shelter, but it goes to the related issues of ability to get employment, whereever the female head of the household is employable, and also to the prerequisite provision for care for the children, because you will find one kind of discrimination frequently encountered by the working head of a household who has young children is the unwillingness of the management agent to accept her as a tenant because of the non-supervision of younger children in large numbers in a development which tends to be used as a discriminatory measure against the female, when in fact there are no facilities available for the care of those children.
>
> So the alternative is to work and leave them unsupervised or not to work and be on welfare and then you encounter other ramifications that are involved with being a non-working

> head of the household on welfare.
>
> So that some attention should be paid to the necessity for developing housing specifically geared to provide child care facilities or communal living, something in this direction that begins to provide supervisory aspects for the children of the female heads of the household, therefore, freeing them both to work and to qualify as legitimate members of society. [31]

Many others have called attention to this need, and there appears to be no single solution to it. [32] Local communities should be encouraged, we believe, to use Title I funds under the 1974 Housing and Community Development Act for the provision of strategically-located child care centers. Local coalitions of women's organizations (see Chapter 6, infra.) could assess the problems in their own cities, and depending upon their sense of priorities, attempt to get local government to request Title I funds for this purpose.

NO VACANCY: SEPARATED OR DIVORCED WOMEN

Even when she has no children in tow, the separated or divorced woman finds that her marital status is a badge of unacceptability for many landlords. Since women are three times as likely to be separated or divorced than men, marital status bias has a discriminatory impact on women.

The testimony of a victim appearing before the Atlanta Panel typifies the apparent plight of the separated or divorced woman in the cities under study. This witness, a young attractive white woman separated but childless, described how she came to Atlanta two and a half years ago and "found an apartment to begin with that was barely someplace to live." A year later she began the search for "something in the moderate income bracket".

> One place I went to had me fill out a very elaborate application before they would show me even an apartment to see ... and where it states your marital status, I said separated ... and then suddenly she [the apartment manager] said, "Oh, no. I'm sorry. I can't take you. We don't rent to anybody who is separated ... It's the policy of the management not to rent to anybody who is separated. No." [33]

Continuing her search, this victim "ran into another place that stated that they rent only to married couples". As a result, she is still where she was when she began looking -- in an apartment just barely someplace to live.

This was no isolated incident. Describing its prevalence, one witness told the Panel in Atlanta:

> ... the people who rent the homes and apartments really have questions as to the moral standards or whatever of the people that are interested when two single girls should happen to want to rent an apartment together.
>
> In many cases where the apartments refuse to rent to two single people together, I know of situations where two girls have had to say that one of them was a neice, a cousin or whatever. That's fine. That's her relative. It's unfortunate that they are forced into these kinds of situations. [34]

One of the Panelists in New York confessed at one point during the New York Hearing:

> Even I have twice been refused apartments on the basis of sex alone. --- Gloria Steinem

Divorced women in St. Louis fare no better. One victim, the heir to a salt company legacy, told the Panel:

> The feeling I did run across, about half of them, I think, told me that they weren't interested in renting to a single person, they would rather have a couple. And twice I was told frankly that they didn't want to rent to a single woman because she would be bringing men into the house and destroying the property and just giving them a bad name from the kind of house that she would run. [35]

Various reasons are offered for excluding the single woman: unstable incomes; women will bring men into the house; women overuse the facilities; will get pregnant and lose their jobs. Two illustrations will suffice.

The head of a women's self-help organization told the Panel in San Francisco:

> I have been dealing with single women who have had this type of problem ... they are turned down [for an apartment] with this kind of comment, simply, that they don't like to have them because they will bring men into the house. I have never heard the comment that men will bring women into the house as being a reason for not renting to them. [36]

Testifying about landlords in San Francisco's Chinatown one Chinese witness told the Panel how men are candidly preferred over women because they make less use of the facilities.

> They [landlords in Chinatown] want men in the apartments no matter how sloppy they are ... Chinese women take more baths than men and because they cook and use the toilet, and they say the men in Chinatown do not use the toilet nearly as much... [37]

In New York where the majority of women are either single, divorced or widowed, a landlord preference for married couples has a harsh discriminatory impact. [38]

> There seems to be some kind of attitude that a divorced woman ... cannot pay her rent ... The rental agents will not consider alimony payments [in screening a tenant for minimum income requirements]. [39]

Even public landlords are guilty of sex bias when the unmarried woman seeks shelter.

> ... in public housing and in subsidized housing such as Mitchell-Lama housing, women are at a disadvantage. In most developments there are formal procedures or informal practices which exclude single women from tenancy. [40]

One landlord practice is not to deny categorically the woman applicant, but to accept her deposit and to put her name indefinitely on a non-preferred waiting list until she tires and asks for her deposit to be returned. Never informing the applicant why no unit is available or why she is "unacceptable", the management leaves the woman prospect frustrated and in the dark.

A housing counselor described one client's case which she reports is typical of the kind of housing complaint from women the New York Urban League receives. We report it verbatim to convey the sense of delay and procrastination exhibited by such landlord high-handedness.

> The client who's been employed as a secretary for over five years at a well known New York bank. Her income is $10,000 per year. She is divorced with two dependent children, a daughter and her teenage brother. She receives child support for her daughter. This client applied to a moderate income subsidized development on the East side of Manhattan over three years ago. When the development was ready for occupancy her application was processed. Then the delay started.
>
> She had to have two home interviews because the management decided they could not complete their report until they had

> met her brother. She was not informed at the time of the initial visit that her brother's presence was necessary. She wrote and called the development a repeated number of times to get the status of her application.
>
> Finally the Open Housing Center interceded and started calling the management in her behalf. Many excuses were made, either her papers were tied up at the funding agency for final approval or they needed some additional information for her files. Most of the time the Open Housing Center counselor and the applicant were unable to reach the management in charge of renting and or his assistant to discuss the application.
>
> We were constantly being told they were working on it. Finally when the Open Housing Center counselors were able to meet with the manager, and I'm talking about the renting manager, concerning their rental policies, we gathered from his conversation that he was not particularly interested in female heads of household tenants.
>
> He would never clearly state why these applicants were not going to be called for an apartment in the first round of occupancy. Her name was placed on what was called an inactive waiting list. Finally it became the duty of the Open Housing Center to tell the applicant that all the apartments were rented and her chances of getting an apartment were slim, and she should make an application at another development.
>
> She finally requested that her deposit be refunded and her name removed from the waiting list. She was subsequently accepted at another government aided development in Brooklyn.
>
> Even though we are almost sure beyond a doubt that female heads of households are discriminated against because of their marital status, it is difficullt to make such a case because the management does not tell the applicant that they will not accept her. Usually if she is eligible she goes through all the steps in the tenant selection process then her name is passed over for the stable family applicant until the development is filled. Her name is being placed on a waiting list to be phased out through attrition.
>
> Managers simply sit back and wait, give the client the run around until she becomes weary and asks for her deposit, asks that her deposit be refunded, thereby removing her name from the waiting list. Categorically she has not been denied housing because her name can remain on the waiting list for a future vacancy, but for the most part the woman will not hear from management again without constant pursuit. [41]

A woman's marital status, it would appear, is all too frequently a bar to her getting even-handed treatment at the hands of landlords and their agents. It should not be.

VACANCY: EXCEPT FEMALE ROOMMATES

Economics, security and companionship -- separately or in combination -- encourage many women to seek shelter which they can share. Although we were not able to secure statistical data there is reason to believe that women more than men in this country share rental space with their own sex.

Yet many women find that landlords will not rent to them if they have another woman as a roommate even though two men roommates would not be excluded.

> In about mid-September we were looking for an apartment because our lease on the other apartment would be up at the end of the month, and we saw an ad in the paper ... My roommate had called before and made an appointment and so, after she had shown us through the apartment, she turned to my roommate and asked if she would be the one renting the apartment, and she said, "Well, it could be for both of us." And she [the landlady] says, "Well, I'm sorry. You know, you should have told me this before. We don't rent to two single people." And I said, "Well, why not?" And she said, "Well, especially with girls." [42]

In other cities, the Panel heard similar testimony.

> We [2 women] went through the routine of having people ask us, first of all, why we wanted to live together, including some open attacks about the possibility of lesbianism, the possibility of all kinds of things, simply because we were two women deciding to ... pool resources to get a home. [43]

> They will not rent to two women alone ... The inference here is that this is not a contractual relationship and therefore is not a stable relationship ... The insinuation also is often that these two women who want to live together must be lesbians or perhaps they are prostitutes. [44]

Excluding female roommates has a direct discriminatory impact on women who are, in fact, lesbians. According to one witness, there were "roughly 7,000,000 lesbians in the United States in 1948". [45]

Representatives from homosexual organizations called the

Panel's attention in New York to the discrimination encountered by the lesbian. It includes not only exclusion by landlords, but discriminatory evictions.

> A woman executive signed a lease and was told by her landlord what a nice building it was. "We just got rid of two homosexuals who were noisy and dirty", he bragged. That doesn't affect me, she thought. I'm a lesbian, but I'm not noisy or dirty. But after a few months during which she sometimes publicly held hands with or put her arm around the woman she lived with, she received an eviction notice as an undesirable tenant. [46]

Because of the stigma associated with being identified as homosexual in this country, lesbians face a special reluctance to complain of landlord bias against them. Moreover, there is a question of the applicability of fair housing laws to such discrimination. But such prejudices founded on sexual preference have no place in a truly open housing market.

* * * *

From the testimony offered at the Hearings, the denial of equal rental opportunities deserves priority attention in any strategy to expand housing choice for women. It manifests itself in both disparate treatment accorded women by landlords, as well as in facially neutral practices which have a discriminatory impact. Additionally, although no evidence was offered at the Hearings, it is apparent from our examination of real estate newspaper advertising that some rental ads express a sex preference in violation of the laws described in Chapter 6, infra.

We recommend, then, that HUD

1. *Issue Guidelines pursuant to the Federal Fair Housing Act which clarify the law's application to landlord practices which, although facially neutral, have a discriminatory impact on women. These would include criteria excluding from occupancy single persons on account of their marital status, single parents, and roommates, where no economic basis for the criteria exists, and if it does, no other less restrictive method is available*

2. *Accelerate the processing, on a priority basis, of complaints alleging rental sex discrimination.*

3. *Convene newspaper publishers to clarify their responsibilities under the Federal Fair Housing Act as it relates to sexist advertising.*

Notes for Chapter 2

1. There are no published census data which clarify the tenant population by sex. This conclusion, though we believe "stands to reason", would need verification.

2. Testimony of Rhett Baird, Exec. Secretary, Atlanta Human Relations Committee, Atlanta Hearing, 32 (II).

3. Testimony of Madine Robinson, Atlanta Hearing, 61 (I).

4. Testimony of Thomas P. Costello, Exec. Director of the St. Louis Housing Authority, St. Louis Hearing, 243-4.

5. Testimony of Glenda Skiffer, San Francisco Planning Department, San Francisco Hearing, 27.

6. Ibid., p.25; Testimony of Marilyn Jo. Fillingham, Tenants Action Group, San Francisco Hearing, 143.

7. Testimony of Barry Light, Director, Housing and Community Development, New York City Planning Department, New York Hearing, 52-54; Testimony of Eleanor Holmes Norton, Chairperson, New York City Commission on Human Rights, New York Hearing, 183-4.

8. Testimony of Evelyn Mann, Director of Population Research, New York City Planning Department, New York Hearing, 44 (I).

9. Testimony of Mr. Miller, op.cit., p.176.

10. Testimony of Mr. Costello, op.cit., p.244.

11. Testimony of Mary Lou C-- [victim], San Francisco Hearing, 96-97.

12. Testimony of B.J. Miller, California F.E.P.C., San Francisco Hearing, 174.

13. Testimony of Paula Ruth C-- [victim], San Antonio Hearing, 55; see also, Testimony of Virginia Ann C-- [victim], Atlanta Hearing, 128 (I).

14. Testimony of Betty P-- [victim], St. Louis Hearing, 231.

15. Testimony of Judy Sweeney, National Organization for Women, St. Louis Chapter, St. Louis Hearing, 224.

16. Testimony of Leila Long, Assistant Administrator for Equal Opportunity, New York City Housing and Development Administration, New York Hearing, 92.

17. Testimony of Emily Goodman, attorney, New York Hearing, 61.

18. Ibid., p.67.

19. Testimony of Aileen Hernandez, Housing Consultant, San Francisco Hearing, 47.

20. Testimony of Ms. Sweeney, op.cit., p.224.

21. Testimony of Sharon B-- [victim], St. Louis Hearing, 216.

22. Testimony of Martha Gaines, activist in Women's Movement in Atlanta, Atlanta Hearing, 102-3 (II).

23. Testimony of Ethel S-- [victim], San Francisco Hearing, 73-74.

24. Testimony of Ms. Skiffer, op.cit., p.29.

25. Testimony of Dorrie Woodson, San Antonio Hearing, 171.

26. Testimony of Carol DeSaram, President, New York Chapter, National Organization for Women, New York Hearing, 164.

27. Testimony of Ms. DeSaram, op.cit., p.165.

28. Testimony of Ms. Norton, op.cit., p.200.

29. Ross and MacIntosh, The Emergence of the Female-Headed Household (Urban Institute, 1973) p.7.

30. Ibid., p.12.

31. Testimony of Leila Long, op.cit., pp.99-100.

32. See, e.g., Karen Hapgood and Judith Getzels, Planning, Women and Change (A.S.P.O., 1974) pp.18-19.

33. Testimony of Ann J--[victim], Atlanta Hearing, 42-44 (II).

34. Testimony of Maxine Robinson, op.cit., p.61.

35. Testimony of Jane H--, St. Louis Hearing, 84.

36. Testimony of Ms. Wright, President of UNITE, San Francisco Hearing, 159. See also testimony of Dolly Sachs, Operation Sentinel, San Francisco Hearing, 125-6.

37. Testimony of Elizabeth B-- [victim], San Francisco Hearing, 139.

38. Testimony of Ms. DeSaram, op.cit., p.164.

39. Ibid.

40. Testimony of Ms. Norton, op.cit., p.184.

41. Testimony of Stephanie Bush, Housing Counsellor, New York Urban League, New York Hearing, 260-3.

42. Testimony of Virginia Ann C-- [victim], op.cit., p.126.

43. Testimony of Ms. Hernandez, op.cit., p.44.

44. Testimony of Ms. Woodson, op.cit., p.170.

45. Testimony of Jane O'Leary, Lesbian Feminist Liberation, New York Hearing, 224.

46. Ibid., p.226.

Chapter 3

HOMEOWNERSHIP: MARKETING, CREDIT AND OTHER BARS

> *The best thing we can do in the long run is to buy ourselves a house, instead of paying someone else rent .... Paying off on a house of your own, so you don't have to worry about moving, and you don't have to rent from somebody who can tell you to do this or that. Sometimes a landlord can make you so mad that you're fit to pull your own cork.*
>
> -- Rainmaker, et.al., *Workingman's Wife*

Nearly every American, at one time or the other, aspires to own a home. Owning one's home, more than any other single fact, represents for many entry into the mainstream of American economic and social life. "The single family detached dwelling standing on its own plot of land, symbolizes the independent self-sufficiency so central to the American Dream and permits much of that dream to come true." [1]

Homeownership means, as the words from Workingman's Wife suggest, freedom from landlord tyranny -- threat of eviction, rent raises or sudden withdrawal of an "essential" service.

It also means tax advantages. Homeowners' deductions for mortgage insurance payments and property taxes in calendar year 1972 totalled 6.2 billion dollars.

> The murky provisions of the Internal Revenue Code contain the most important housing programs currently administered by the federal government. One "program" costs the Treasury at least $7 billion per year. [2]

Nor is that the extent of the homeowners' subsidy. The federal income tax laws allow them another break by authorizing the postponement of taxing gains on the sale of the taxpayer's principal residence. [3] Since real estate has been appreciating unrelentingly since 1950, this is quite a tax break. For when the homeowner, who has been deferring taxes on the capital gain from the sale of the home, dies, the gains realized are totally excluded from taxation.[4] If all such gains (whether deferred or excluded) realized in 1973 were taxed, the Department of the Treasury estimates that revenues for 1973 would increase, as a consequence, by about 1.7 billion dollars. [5]

In the distribution however, of homeownership opportunities in this country, men fare much better than women. Hence, tax laws which create these benefits are sexist in their impact.

> In 1970, ... 68 percent of all families headed by men owned their homes contrasted to 48 percent of all families headed by women. [6]

While the reasons for this disparity are varied, we have found an important contributing factor to be sex bias of brokers, lenders and, to some extent, developers.

Additionally, the woman who is able to secure a home has often had to pay a sex tariff and, in some cases, is refused essential housing-related services and protections, e.g., insurance, on account of her sex.

To these sexist practices in the housing market, we now turn.

* * * *

1. Discriminatory Marketing

> *It shall be unlawful (a) to refuse to sell ... after the making of a bona fide offer, or to refuse to negotiate for the sale ... or otherwise make unavailable or deny a dwelling to any person because ... of sex.*
> -- Federal Fair Housing Act, 1974, sec.804(a)

For an estimated 90 percent of the homeownership of existing houses, brokers and their sales persons are the "gatekeepers", influencing the choice of the prospect, as well as controlling actual access to the house itself.

> I think you have to recognize that the bulk of the properties that go for sale on the market are listed with brokers. The brokers have the authority, or they have the influence, at least, to direct the buyer to a specific property or to direct him [sic] away from the property. [7]

The broker, in addition to working with both seller and buyer, has direct relationships with lenders. In this role the broker "qualifies" the buyer for the kind of financing the buyer will require. Sometimes the broker pursues secondary loan possibilities; in short, anything to arrange expeditious financing to assure a closing on the transaction.

In these pivotal institutional roles, the broker has played, studies and court cases have shown, a leading role in creating and maintaining segregated neighborhoods. [8]

Testimony before the Hearing Panels in the five cities, revealed that

- some brokers cling to prejudicial attitudes toward women, inhibiting their ability to offer services to them on an equal basis;
- brokers with years of experience rarely are involved in the sale of homes to single women or women heads of households;
- developers and owners, without the services of a broker, discriminate against women in the marketing of their units;

- brokers steer women to and away from certain available units, and
- brokers employ discriminatory 'credit criteria' in qualifying the woman prospect.

BROKER PREJUDICES

Brokers interact with the woman client in a variety of contexts. Even in the context typically most favorable to the woman -- membership in a male headed household -- the woman does not get equal treatment in the "provision of services or facilities in connection" with the transaction.

> I have been a broker for three years ... I've dealt with all types of people ... I sell land, apartment condominiums, investment property and residential property. I have found it to be a fact that women are considered second class citizens in Georgia ... They receive often condescending treatment by the realtors ... We refer only to the man in the business dealing ... [9]

Although the brokers' conduct described above may not rise to the level of Federal law violations, it evidences an underpinning of sex prejudice built on the myths, e.g., the myth of woman's inferiority in business transactions, described in an earlier chapter.

> ... the filtering process is applied more rigidly at each stage of the mortgage application procedure, from broker to branch manager to formal application. The myth generating this stringency holds that the female is inherently unstable and incapable of conducting her own affairs. She allegedly needs the protection of a male, usually a husband or father. In the lending industry the myth translates into a reluctance to grant a woman a mortgage loan outright and often, a requirement of an assumption or a male cosigner. [10]

A broker in San Francisco with 27 years experience testified to the difficulty in getting the Equal Rights Committee of the State Real Estate Board to assume an affirmative role in eliminating sex bias in the industry.

> What is posed ... is the usual snickers and attitudinal things ... [such as] "Look, we have enough to do to overcome racial discrimination without taking on another whole new subject

> area", and "Let's face it, you know women cannot take care of property like men can and they are more flighty and we have to understand that and that is a good basis for prudent lending practices". [11]

A San Antonio real estate broker, with 15 years of experience and a former President of the local real estate board, could not recall ever selling a house to a single woman.

SINGLE WOMEN ACCOUNT FOR FEW SALES

> Q. Do you sell to many women, single women, I mean?
>
> A. Not in my own personal experience. I would like to but I just can't think right off hand of a number of single women I have sold to. [12]

In San Francisco, the head of a realtor firm which has a reputation for equal treatment in the community, told the Panel that only 2 to 3 percent of its sales in a recent year were to single women or women heads of households.[13] This in a city where women form 43 percent of the workforce and in an area with the nation's highest per capita income.

The absence of sales to single women does not conclusively prove sex bias. But in discrimination cases, "when statistics speak, courts listen". [14] At the minimum, the absence of sales raises the need for convincing explanation, not reliance on myths about women.

The Director of Research of the New York Real Estate Board was of the opinion that there is discrimination against women in housing, but did not believe it to be a large problem in Manhattan.

> You know I am sure that there is discrimination against women in housing, and I'm not saying that it does not exist over in Manhattan. I'm sure it does ... but I do not think it exists to the same extent as it might elsewhere. [15]

This opinion, he admitted, was not based on any empirical research.

Accompanying the Research Director was Peggy Conegy, a member of the New York Real Estate Board, who specializes in expensive listings. She was asked whether there is discrimination against women in New York. She replied:

> I have not encountered it ... I am sure that it exists. I mean we don't live in a padded cell and don't know what's going on in the world. I just fortunately have never encountered it. [16]

In San Francisco, the Panel asked the head of a major real estate firm whether the fact that a prospect was a single woman with child would result in "different treatment". He replied that while it made no difference to him, other firms might feel differently:

> [Witness] Well, we don't pay any attention to that [single woman with child], and all prospective buyers or renters are the same as far as we're concerned ... This was our policy before any laws were put into effect.
>
> [Panelist] Not naming any other firms, would you say that they all feel this way?
>
> [Witness] Probably not. [17]

Mary Nelson, an Atlanta broker for nearly 12 years, attributed the absence of sales to women to the attitudes and policies of private investors and government agencies.

> I don't think discrimination has ever been in the realtor's office, nor do I think it has been with the mortgage broker. The mortgage broker is fulfilling the obligations by the investor, or he is performing with the rules set down by the investor. Fannie Mae, FHA and VA are telling him exactly what he can lend and how he can lend and on what terms ... We always want anybody that can buy to be able to find housing. [18]

Another Atlanta "realtor", Cynthia Hlass, disagreed:

> It's very evident to me that sex discrimination does exist in our city ... Does discrimination exist in Atlanta? The answer to that is definitely, "Yes, it does". [19]

After listening to this and other testimony, the Panelists in Atlanta were persuaded that broker discrimination is present, but its extent was unclear from the evidence adduced.

> It is alive and well! The chronicle of instances of discrimination showed that from all points of view, women are having problems. It is clear that local agencies have been active on race discrimination, but have not recognized sex discrimination.
>
> -- *Aileen Hernandez, Housing Consultant*
> *San Francisco*

> Fully established by the testimony. However, difficult to document since there is no existing mechanism for investigation and data gathering.
>
> -- *Robert L. Tucker, Attorney*
> *Chicago, Illinois*

> Very pervasive, but not well documented. This is not the fault of anyone now involved, and will be improved in the future.
>
> -- *Robert Stokely, Consultant, National*
> *Civil Service League,*
> *Washington, D.C.*

> I think that this is really blatant in the Atlanta area. I think that those city officials are not really willing to recognize and deal with these issues and they will have to be pushed by organizations in the area.
>
> -- *Rose Wiley, National Chairperson,*
> *National Tenants Organization*

> It is my impression that there is sex discrimination in housing in Atlanta. What is hard to determine is how much is obliquely due to economics, race, sexual mores, marital status, etc. If one views this as the tip of the iceberg, obviously there must be some substantial discrimination.
>
> -- *Ruth Clusen, National President,*
> *League of Women Voters*

With respect to the marketing of residential properties, the Panel was told in St. Louis that:

DEVELOPER
BIAS

> There are several communities that are developing properties around lakes, and the package deal is that you are allowed -- invited, in fact, to come and stay overnight at this lake development and then tour the property. Well she received an invitation, but when they found out she was single, they told her it didn't apply to her and she wouldn't be welcome to take that. [20]

From this statement, as elsewhere in some of the testimony before the Panels, it is difficult to assess whether the discrimination is rooted in sex or in marital status.

If the criterion creates greater "head winds" for women than for men, a refusal to show based on marital status should violate applicable Federal and State laws. [21] Single women, and this includes widows and divorcees, who are not heads of households, far exceed the number of single males. The burden of a refusal to sell based on marital status weighs much more heavily, therefore, and much more unequally on the female population. [22]

Moreover, the courts have held that the law is broken if one of the reasons for the developer's action is forbidden by the statute. [23]

At the other end of the economic spectrum, the Panel learned in Atlanta that male heads of households would be preferred in the marketing by the Atlanta Public Housing Authority of Turnkey III Housing. [24] Given the growth of families with a female head and their disproportionate reliance on public housing, such a policy has an especially adverse impact on women and should be reconsidered.

STEERING BY BROKERS

Brokers employ a variety of tactics to channel customers to units for sale based upon the brokers' own biases and their perception of the biases of the sellers or those in the community where the property is located. Such conduct has been labelled "steering" in situations where race or ethnic bias is involved. Its impact is to maintain racially segregated neighborhoods in many American cities. It is against the law -- whether its basis is race or sex. [25]

The broker testimony on this subject was conflicting. One broker denied that the industry steered women. [26]

> [Panelist] Are there any areas that you might discourage women [in San Antonio] from either renting apartments or purchasing homes in?
>
> [Witness] No, not that I can think of. [27]

Another testified that steering of female prospects does exist.

> You should know exactly where you want to buy a house and be firm about it, because the realtor, again will steer just like with a racial steer -- "you don't want to live down there" --that

> approach, and "it's not safe for a woman"; "you should go to a condominium up here as opposed to a single family house". [28]

Adverse impact on property values is generally offered as an explanation for racial steering by brokers. We learned in Atlanta that brokers would tend to equate the entry of single women into a neighborhood with declining property values. [29]

BROKER'S DISCRIMINATORY CREDIT SCREENING

The single woman has been shunned by the broker because of the likelihood she would be refused a loan by the mortgage lender. "It was understood that she could not buy, period," one broker with 12 years of experience admitted to the Panel in Atlanta, "unless she had cash to assume a loan." The result was:

> ... very few of us ever make the attempt to get loans. Anyone that came to us, we made no attempts to get them loans. We always looked for a loan assumption for that divorcee, for that single woman, whatever. [30]

There was considerable evidence offered that brokers continue to treat the woman prospect differently by screening them against their perception of the lenders' loan criteria -- even when these criteria may have changed.

> In the case of a woman, in order to have a hedge against the discriminatory lending practices, the realtor may say that you might have to have 30 percent down [even though the prevailing requirement in a conventional loan is 20 percent down] [31]

One broker described how it was common to prefer, in the case of identical offers for a house, the offer from a married couple to that of a single woman because the former poses, in the brokers' view, fewer problems to make the transaction work.

> We've had cases of this type more times than I would like to remember, where two sets of people are trying to buy the same property in this tight housing market. They will, in both cases, offer identical offers, that is, the owner-price cash and their contingency. And at that point the realtor will normally advise the seller to take an offer from other than a single woman ... the reason for this is that the realtor from past experience knows that it is more difficult to qualify a single woman for a loan than it will be probably for a married couple. [32]

Our conclusions do not stand alone. In its study of the mortgage credit industry in Hartford, Connecticut, the U.S. Commission on Civil Rights described how the brokers' marketing practices were influenced by their acting as a part of the lenders' screening process. And Senator William Brock, in testifying on behalf of a federal law against sex bias in housing, remarked:

> A real estate agent knowing that a credit worthy woman will face difficulty in obtaining a mortgage on account of her sex will tend not to view women as viable potential customers and will discourage an active search for home purchase. [33]

In refusing to deal with the woman home buyer, the broker points the finger at the lender as the one to blame. There is considerable merit in that accusation as we shall see in the next section.

2. Credit Discrimination

> *Have you had an incident which occurred to you from which you believed you were discriminated against on account of sex in the area of housing ...?*
>
> *Yes, Ma'am ... The first time was approximately the last part of 1970. I decided that I was tired of paying rent. I preferred to live in a house and build some equity. I found a house that a friend of my family had offered to sell me ... I called a savings and loan institution in Decatur that my family had had their house mortgaged for years. When I called to ask for an appointment to make a loan application, they flatly told me that it was not the policy of their organization to take an application for a mortgage by a woman.*
>
> -- Atlanta Hearing, November 8, 1974

* * * *

> *The President of the New York Bankers Association, Howard Cross, conceded yesterday that banks might discriminate against women in making loans, but he said, that men at the top were not responsible.*
>
> -- New York Times, October 12, 1973

Credit discrimination is a spearpoint in women's efforts to eliminate sexism in the nation's economic institutions. The guarded admission of the New York banking official and the testimony of the young, white female professional from Decatur, Georgia, tell us why. Discrimination on account of sex by mortgage lenders in this country has been bold, overt, and deliberate. It reaches deep in the nation's credit system.. It has recognized neither class nor race bounds. The married woman and the unmarried, although in different ways, have been its victims. So, too, have the young and the aged.

> The [Federal Reserve] Board favors the elimination of discrimination in credit extensions ... The denial of credit based upon group identification, rather than upon factors specifically related to an individual's credit-worthiness, works to the economic disadvantage of applicants and creditors alike. [34]
>
> -- *Jeffrey Bucher, Member Board of Governors, Federal Reserve System*

Yet, whether in California or New York, the American woman has not been welcomed on an equal footing at the credit window. This was what we heard from women in the five cities we visited. This is what others have heard before us. [35] And while the specter of sex discrimination by lenders is no longer news, we replow old soil because much of it persists and, hopefully, further documentation will help focus regulatory and affirmative actions under the new federal and state statutes.

LENDER BIAS: WOMEN OUTSIDE HUSBAND/WIFE HOUSEHOLD

Without a mortgage, most Americans would never own a home. If you fail to "qualify" for a loan, you don't qualify for a house. However, the processes governing the distributing of mortgages in this country are far from well understood. At best they might be characterized as a mystic blend of subjectively weighing objective criteria. Credit worthiness of the borrower and the security value of the property are the subject of elaborate underwriting formulas designed to minimize the incidence of default and narrow the lender's loss in the event of foreclosure.

Yet in the five cities we visited, we discovered that there is ample opportunity for the lender to apply them unequally to women and to men, inserting subjective judgment and even personal bias into the process of deciding whether to extend the credit. All women, however, do not receive the same unequal treatment. In this section we are concerned with those living outside a husband-wife household.

Most adult women in America, at one time during their lives, live outside a husband-wife household. In San Francisco today, 55 percent of the women are either single, separated, widowed or divorced. In the Atlanta metropolitan area, in 1970, of the 246,364 women employed

- 50,737 were single
- 16,463 were married women with absent husbands and
- 20,675 were divorced.

Looking at national figures, we find that of the 33 million women who work, 37 percent are either single, widowed or divorced. And of the 63 percent who are married, some will be separated and, hence, living outside a husband-wife household.

The fastest growing family-type in this country, as we noted earlier, is the female-headed family. Reporting on the changing role of women, Hapgood and Getzels found that the economic and sexual liberation of women has signalled new options for young women.

> Increasing numbers are choosing to remain single. They want independent life styles to be as legitimate for them as for men. Young women are assuming serious careers, not biding their time until marriage. Growing numbers of young women want to be considered full-fledged permanent residents, serious participants in community life. [36]

In the five metropolitan areas we examined, women living outside a husband/wife household represent nearly 48 percent of the female population. [37] In each metropolitan area we heard testimony that they are at a disadvantage in seeking to obtain a mortgage.

In *St. Louis*, a broker from one of the reputable agencies testified to the obstacles manufactured by savings and loan associations in 1973 to avoid extending credit to women home buyers she had screened and found qualified. One obstacle was to require that women applicants secure mortgage insurance as a prerequisite for getting a loan commitment.

> I qualified them [two single white women with salaries in the mid-20s] to the best of my ability according to the information that is needed, and that is their length of employment, their monthly or, should I say, annual income. According to the information that they gave me, they had very few outstanding bills ... I did learn later that their credit rating was A-Number One.
>
> We went to some of the most outstanding loan associations here in -- well, in the city -- not in the city as such, but in the county. And each time the women were turned down, and we really didn't know why. So finally we went to another. And in the meantime you know our contract was running out, so what I did, I got an addendum extending the loan commitment date. And it was --- I was told that again the loan companies were looking at the fact that these were single women and that they were of child-bearing age and the whole bit. And finally there was one loan company who said if, in the event, MGIC approved them, then they would approve the loan ...
>
> Were you ever able to find an adequate home or financing for these two persons?
>
> I was not ...
>
> Would you regard the [foregoing] situation as being fairly typical?
>
> Yes. As it relates to younger women, shall I say, it is typical. [38]

The President of the Mortgage Bankers Association of St. Louis conceded that there had been previous sex discrimination by lenders in that city but "not in recent years".

> Prior, fifteen years ago, yes, there was a little of this. But not in recent years, because they [lenders] have been taking primarily FHA's decision on this. [39]

Similar testimony emerged in San Francisco.

> At one time, it was more difficult for a single woman to get financing ... Some years ago women just didn't qualify in the eyes of several lending institutions. [40]

Even with a good salary, the single woman often has to overcome special requirements to get the loan. One such case concerned a white woman who was an assistant treasurer of a hardware corporation in California. She owned a home with $20,000 in equity in it.

> Among the requirements made of her were that she pay off a $450 debt, a department store $300 debt, that she supply a copy of her divorce, written verification of divorce papers, $104 worth of information, despite the fact that she has worked for thirteen years for this establishment. [41]

Nor is the discrimination limited to permanent financing. The single woman wishing to build on the lot she owns has difficulty finding construction money. As one single female in *San Francisco* recalled:

> I had a good job and I had already bought the lot and I could not get my bank to grant me money for a construction loan ... They took the application but nothing would happen. I must have gone to fifteen different places but I couldn't get a loan because I was single. I needed a co-signer, who had to be a man, and I doubt whether that's changed very much. [42]

Lenders in *Atlanta*, where there are 50,737 single women in the work force, virtually excluded them from the mortgage market.

> It was understood that she could not buy, period, unless she had cash to assume a loan. [43]

The bias *Atlanta* women are likely to encounter when seeking a mortgage loan was summarized by the representative from a woman's organization in Atlanta who had received many housing complaints, as follows:

> The third area where we have the greatest number of complaints is with single women ... The single woman who has never been married is considered unreliable largely because something must be wrong with her because she hasn't found a man to take care of her. She may not have been able to establish credit all the way along, which certainly will not qualify her for a mortgage for a home, because she has been forced to use cash to circumvent the problems she's had with credit because she can't get small credit ... Unless a single woman is 35, 40 or up, it is extremely difficult for her to be accepted under any circumstances for a loan. [44]

One Atlanta broker knowledgeable about practices throughout the metropolitan area, testified to the single woman's plight:

> If a woman is single, divorced or widowed, she has a very hard time trying to qualify for a loan. She may have to borrow $2,000 from a lending institution and pay it back over a 12-month period in order to establish her own credit even though she may not have needed to borrow the money. Loan officers look unfavorably upon single women unless she is wealthy, a class most women, unfortunately, do not fit into. [45]

In *New York*, the Panel learned that some lenders will not make loans to women seeking to purchase a cooperative;[46] others discriminate in mortgage lending where the purchaser is a lesbian. [47]

In *San Antonio*, the President of the local chapter of the Mortgage Bankers Association told the Panel that the passage of equal opportunity laws are enhancing woman's economic status. The industry, according to this witness, was now prepared to treat her with parity.

> This means that they [women] have an opportunity for becoming what the banking industry identifies as qualified borrowers, that they must now be afforded the same kind of opportunities that other borrowers have in that the superficial qualifications must now be removed. For example, such considerations as whether she is within the child bearing age, the possibility of her change in marital status and so forth can no longer become factors in considering a woman's application for a mortgage loan. [48]

An experienced *San Francisco* broker described the picture in that city:

> We hear from the banks and savings and loan associations the same innuendoes, the same inferences and in many cases the same terminology that we used to hear as it's related to racial discrimination. Why do you want a big house like that? Do you know the neighborhood might not accept different lifestyles? Will they be comfortable in these surroundings? ... In order to qualify women for a loan, you have to paint a picture that the banks or the savings and loan association wants to see. [49]

A *San Antonio* broker, asked whether she encountered difficulty in getting mortgage money for women clients, said: "We used to but we just haven't lately."

The lenders' bias against the single woman stems, in part, from the U.S. Federal Housing Administration's (FHA) preference -- a preference which persists -- for the traditional nuclear family.

> The mortgagor who is married and has a family generally evidences more stability than a mortgagor who is single because,

> among other things, he has responsibilities holding him to his obligations. [emphasis added] [50]

While the lenders' preference for the nuclear family affects all unmarrieds, there is evidence that the bias creates a heavier burden for women than for men.

> The women with the greatest difficulty in gaining access to mortgage finance are single women -- unmarried, widowed, separated or divorced women. Each is treated somewhat differently by mortgage lending institutions but for all it is their status as women who are not part of a male-headed household that is of greatest significance to mortgage lenders. [51]

HUD figures show that married couples and unmarried males account for nearly all the mortgages on new houses insured under the Section 203(b) Program. (See Appendix G) This preference results, as we earlier pointed out, in "waves" for the single female in other parts of the housing delivery system. Brokers possessing identical offers for the same property will advise the seller to sell to other than the single woman. [52]

In other situations, the broker, in order to hedge against the lender's discrimination, will inform the single female buyer that she must have a 30 percent down payment, even though the prevailing practice for conventional loans is to require only 20 percent. [53]

Even where the woman persists and succeeds, the harassment and delay discourage all but the stout-hearted.

> I do know a woman who just recently was attempting to purchase her own home and she put up $8,000 in cash and has a good job and a good income and good credit references; she had to go to four banks to finally get one who would carry the mortgage on the house. She told me that when she went to sign her papers, the last papers she had had a clause in them that said that all the payments would be directly taken from her paycheck. She refused to sign the paper. They did not push it either. [54]

There are three times as many divorced women in America as there are divorced men. [55] Thus, a preference accorded the married person tends to discriminate against women more than it does men. A 1972 survey by the Federal Home Loan Bank revealed that "in most cases the association didn't loan to women or single women, they always dealt with family units". [56]

CREDIT AND THE DIVORCED WOMAN

From a variety of sources we heard testimony that the divorced woman is no better off than the single girl seeking a mortgage loan. Indeed, frequently, the divorced woman's problems start with marriage.

> The credit basis that a woman builds up when she is single is usually dissolved when she marries, because her credit file -- her past credit file -- is put into the credit file of her husband, and it becomes one. Only if the woman goes to the credit bureau and asks that she have a separate file in her own name does she get one. And this has only come about in the last few months. The credit bureau has changed its policies and will do this. [57]

> Widowed and divorced women fit into one category in that they have no credit in their own name and possibly poor credit from their ex-husband's name. They find it difficult, if not impossible, to buy a home. [58]

Following the break-up of the marriage, the lender invokes the subjective notion of "emotional instability" to characterize the divorced woman applicant as unqualified for a mortgage.

> Divorcees are really considered as unstable, emotionally unstable ... by insurance companies, credit card issuers, numerous groups, corporations ... a divorced woman is considered emotionally unstable, and we cannot find anything that exists that says the divorced man is unstable. [59]

In San Francisco, one divorced woman told of her experience in trying to get a mortgage to purchase a condominium. She is the assistant treasurer of a California corporation with a monthly income of $1,200 and sufficient funds in the bank to cover the 10 percent down payment ($2,750) and the $1,500 in closing costs.

> When I put the deposit on the unit I was told I could move in as soon as my credit was cleared which should take about

> two weeks. After this time certain requests were made which delayed my moving in for three months. The builder from whom I bought the house said before I could qualify I had to pay off $400 to Montgomery Ward and $300 on my Bank of America Card. A complete set of my 10 year old divorce papers were requested.
>
> They wanted a rent or lease agreement of the Willow Pass house and I have none.
>
> Then they wanted a letter from the city who may be interested or the builder/developers. The sale is in the beginning stage without any commitments only inquiries. I had to resubmit my salary verification because supposedly my income was not enough to qualify. This I could do because I was receiving my year end bonus of $600.
>
> The builder was very upset at all the problems because he also felt there was some discrimination. He said two years ago he wouldn't even have taken a deposit from me because there was no way I could have gotten a loan. [60]

The divorced woman's standing in the eyes of the mortgage lender is weakened by her complicated financial circumstances. As observed by the Director of the Atlanta's Women's Information Center:

> In cases of divorcees, alimony and child care, child support, do not count as income to lenders. [61]

In its recent study of lending practices in Hartford, Connecticut, the U.S. Civil Rights Commission also reached the conclusion that "the divorced woman ... has considerable difficulty in obtaining a mortgage, both because of the alleged probability of an unstable economic situation and because of her social position." [62] The Commission related the incident of a 51-year-old divorcee with no dependents, excellent credit, a stable job with an insurance company, and $5,000 to put down on a $20,000 house:

> She tried to apply for a mortgage at the main offices of four lending institutions. At one savings and loan, she was told not to fill out an application because she was "not qualified" and the loan committee would not approve it. No explanation was offered as to why she was not qualified. At two others she was told that she did not "fit their formula", i.e., 30 percent of income for housing expenses. [63]

Nor is all the evidence anecdotal. Robert Hoilien, vice-president of a San Francisco savings institution, described a recent study of all the savings and loan institutions supervised by the Federal Home Loan Bank Board in California, Nevada and Arizona. This investigation showed that

> In most cases the association didn't loan to women or single women; they always dealt with family units. [64]

The results of a 1973 questionnaire distributed by the D.C. Commission on Status of Women to 107 mortgage lending institutions revealed that:

(1) sex and marital status frequently determine whether or not mortgage applications will be acted upon formally;

(2) alimony and child support are often discounted as valid sources of income, regardless of their reliability;

(3) working wives' salaries are often not fully counted as part of a family income; and

(4) some institutions ask applicants about their parental plans and birth control practices. [65]

On the other side are the industry assertions that past sex bias has been eliminated. [66] Since these Hearings were held after the passage of laws prohibiting sex bias in lending, one could hardly expect public admissions of guilt. Hence, spokesmen at the Hearings generally denied any personal awareness that sex discrimination is a problem in their cities.

> I have never had the first call from a woman to complain that she's unable to file a loan application or get a loan at a savings and loan association. [67]

> To the best of our knowledge there is no conscious discrimination on the part of our men. (emphasis added) [68]

In St. Louis a lending industry spokesman told the Panel that "many associations report they presently have on their books substantially more mortgage loans made to single women than to single men". [69] No statistical data were offered in support of this. One Panelist observed that if single women mortgagors do indeed outnumber single men mortgagors, it may be the result not of lenders' fairness to women but of lenders' race discrimination in St. Louis -- a city where the population is increasingly made up of aged white females and younger blacks. [70]

Our Project, like previous studies, has been unable to produce a quantitative data base which might reveal the extent to which, if any, past discrimination remains. Only the lenders themselves would have the pertinent information. Yet those who testified reported that data respecting the sex of the applicant or the mortgagor are not customarily compiled by lenders.

Summarizing the plight of the single woman searching for credit, Senator Brock told the Senate Subcommittee on Housing and Urban Affairs in 1973:

> A variety of lender prejudices have resulted in single women traditionally being unable to obtain mortgages to buy real estate. Lenders have gone to such lengths as to worry that single women could not perform the necessary repairs to maintain property ... Mortgages may be granted if a male cosignature is obtainable no matter what the financial status of the male may be. [71]

THE WORKING WIFE'S INCOME

For years mortgage lenders in this country have considered a dollar in a woman's hand worth about half as much, or less, than a dollar in the hand of her husband. This sexist criterion has had the effect of denying home-ownership to thousands of families unable to meet the lender's qualifying formula because that portion of the income stream, which represented the woman's salary, was "discounted".

> One of the most prevalent discriminatory practices in mortgage lending has been the practice of routinely discounting or totally ignoring the income of working wives in computing family income. Such practices have prevented many families from achieving homeownership or compelled them to accept housing that does not suit their needs and incomes. [72]

This discriminatory treatment of incomes has persisted in the face of substantial and stable participation by women in the Nation's labor force. Thirty-five million women were in the labor force in 1973; 42 percent worked full-time year round; the expectancy for women now entering the labor force is employment for an average of 25 years. Three out of every 5 women workers are married. [73] Yet, in 1971 a Federal Home Loan Bank survey of savings and loan associations showed:

- that 25 percent would not count any of the income of a wife, age 25, with two school children, who held a full-time secretarial position;
- that more than 50 percent would limit credit to 50 percent or less of her salary; and
- that only 22 percent would count it all

Other studies have corroborated these findings. [74]

In a major way, conventional lenders' policies regarding the working wife's income have been influenced by the underwriting criteria of FHA, a federal agency, not to count any of the wife's income. [75] The policy of the Veterans Administration was similarly influential. [76]

FHA's policy was changed in the middle sixties to permit counting the wife's income under "circumstances indicating that such income may normally be expected to continue through the early period of the mortgage risk".[77]

The Veterans Administration however, retained a policy of discounting the wife's income until July 18, 1973.[78] On that day a new circular was approved, stating: "In consideration of present-day social and economic patterns, the Veterans Administration will hereafter recognize in full both the income and expenses of the veteran and spouse in determining the ability to repay a loan." [79]

While pressures by public interest groups and perhaps other factors have prodded Federal agencies into a more equitable treatment of the working wife's income, we found evidence that many mortgage lenders still refuse to credit fully the income of the working wife.

In the words of a woman broker in Atlanta who has been in the real estate business "for 11 years, nearly 12":

> I've been talking to mortgage men this month, and some of them were telling me they still have problems with the VA ... If they give the wife credit for the income, they usually want to do it by giving her credit for the debts. [80]

Reporting on a 1975 survey of loan officers of banks and mortgage companies in San Antonio, one witness stated:

> Discriminatory practices in mortgage lending against women, although denied emphatically by various local financial institutions, do seem to exist ... One bank stated combined incomes were fully considered only if the married couple were both professionals and the wife had been employed more than two years. [81]

Similarly, in St. Louis lender practices do not appear to have substantially changed.

> The bank may refuse to count a married woman's income or count only a fraction of her income in deciding whether a couple's income level is high enough to grant a mortgage. The assumption is that the wife will have children and cease working. Even women who have young children and are presently working find themselves faced with that assumption ... Some banks even ask husbands and wives to sign an agreement not to have children before they will grant them a mortgage. [82]

This preoccupation of lenders with pregnancy persists on the part of the conventional lender. One couple, both professionals, described their experience with one of Atlanta's largest institutions:

> I went and spoke with the gentleman who took loan applications and sat down with him and went over figures and gave him income figures and so forth and listed as part of the family income Sharon's income, which at that point was around $9,000 a year, I think. And as soon as I mentioned that he said, "Well, we only count half of that." And I said, well, I looked kind of incredulous, I guess and I said, "You only count half of that?" And he said, "Yeah, we only count half of that."
>
> And I said, "Why is that?"
>
> And he said, "Well, your wife, a woman her age is able to have babies." I was aware of that physiological phenomenon, and he thought that explained something and I wasn't sure what it explained. So we ended the conversation there. [83]

Since a higher proportion of minority families rely on the wife's salary for part of the family's income, the impact of policies discounting the wife's income has been much harsher on the non-white. Arthur Flemming, Chairman of the Civil Rights Commission, described their findings in this regard to the House Subcommittee on Consumer Affairs at its hearings in June 1974 on credit discrimination legislation:

> The system of mortgage finance in the Nation, under which women are inequitably treated, reflects a reluctance by many in the lending community to alter traditional policies and standards, even though many are unrealistic and others facilitate illegal acts. Sex discrimination in credit is totally at odds with the reality of modern-day America in which more than 33 million women work and make up more than 40 percent of the labor force. Yet lending institutions in many instances cling to images of women as unstable, unreliable, and in need of male protection.
>
> * * *
>
> We conclude that "for minorities and women, the mortgage finance system is a stacked deck -- stacked sometimes inadvertently, often unthinkingly, but stacked, nonetheless." After interviews with over 75 real estate brokers, lenders, home buyers, public interest groups, and Federal and city housing specialists, the Commission was able to discern a pattern of discriminatory practices. [84]

* * * * *

For all too many lenders, it would appear, it is "business as usual" in their practices relating to women. But there is ample reason for hope that things are changing. The four federal financial regulatory agencies, so key to determining the pace and direction of industry reform, are recognizing that civil rights is also *their* responsibility. [85] New federal legislation described in Chapter 5 should assure that "sex discrimination" share in this recognition.

Even within the industry, men like Eugene H. Adams, Chairman of the Governing Council of the American Bankers Association, are urging their peers to re-examine old practices and question past assumptions about women. [86] Again, new federal legislation will encourage, hopefully, others to listen.

Finally, HUD has the responsibility to see that gains made are in fact consolidated, that sex bias in lending does not simply go underground, but goes -- period. Thus, we recommend that HUD:

1. *Expand the pilot data collection and analysis Project with the federal financial regulatory agencies to a nationwide effort, and make this information available to public interest organizations and others.*

2. *Encourage the federal financial regulatory agencies to make civil rights an integral part of their regular examinations.*

3. *Administer all new and existing federal programs designed to increase the availability of residential mortgage credit in such a way that favoritism to the nuclear (husband-wife) family is ended and homeownership opportunities are expanded without regard to sex or marital status.*

4. *Assist -- through seminars, technical assistance, and other resources -- local women's organizations and others in conducting local surveys of practices of lending institutions.*

3. Discrimination in the Provisions of Services or Facilities in Connection with Housing

> *It shall be unlawful to discriminate against any person ... in the provision of services or facilities in connection (with the sale or rental of a dwelling) on account of ... sex.*
>
> -- Federal Fair Housing Law, 1974, sec.804(b)

Barriers to access, however important, emerge as but one dimension in the mosaic of sex discrimination in housing in this country. Indisputably, shelter is more than a roof with supporting walls. With the physical structure there must be related services and facilities for even modest enjoyment to be possible. A tenement without a door that locks or with landlord harassment is hardly a bargain. It's not enough to acquire a home if you can't get insurance, or anyone to assist with its maintenance without unconscionable gouging.

Yet in the cities we visited, these complaints were heard from women. Moreover, the complainants believe that they suffer these grievances because they are women.

Consider a few illustrations;

In St. Louis, one witness representative from a women's organization told the Panel "we receive complaints from women who complain that repairs weren't being made in their apartments and they felt it was because they were single women". [87]

In San Antonio, a female tenant complained of the landlord's failure to provide a key to the deadbolt lock or repair promptly the stove, notwithstanding repeated requests.

> We asked the landlord to fix it [the stove] and it took him three months to get the stove fixed. I think he was mad because we were women. I don't think a man would have had this problem ... The landlord still hasn't given me the key.[88]

A woman tenant in a San Antonio public housing development complained of differential treatment in maintenance service and in the application of the Authority's late payment/eviction procedures because of her sex. [89]

Yet differential treatment often does not heed economic bounds. A white business woman in St. Louis, denied units of her choice because "we already have too many divorced women with children here", had to settle for shelter with a lot fewer amenities than she could afford.

> I couldn't get a pool; I couldn't get air conditioning; I couldn't get draperies ... my children suffered also because the playground they had to play in was across a parking lot ... I was always wondering about their safety. [90]

In the landlords' tight rental market in San Francisco, women face an especially difficult job getting maintenance requests serviced unless they can get a man to intercede. As one witness explained:

> Securing the housing is not the only problem that women are having ... We have had many calls from women and initially the calls are centered around maintenance problems... we discover that maybe they have already tried some of these things

> [we suggest] and have gotten no response from the landlord ... I have spoken with a couple of women who were in a face-to-face conversation with the landlord and they requested repairs and the landlord blew up; he yelled and threatened them with an eviction at which point he left and the women sort of backed down and then they tried again, but this time they had a male friend with them and the landlord backed down, he didn't carry on as he had before. [91]

Lack of service, in some circumstances, is replaced with landlord harassment. As one San Francisco tenant union representative explained:

> Difficulties are with the managers, the women have been verbally abused and one woman says the manager comes -- he persistently knocks on the door and refuses to leave when they ask him. Another woman opened the door and discovered the landlord standing there with a can of beer in his hand and she greeted him with a request that I won't repeat to you right now but, merely, I am trying to convey to you that all the women in the building have suffered this kind of abuse. [92]

Nor are women tenants the only victims. In Atlanta, the Panel learned of women being discriminated against in their search for insurance -- all kinds of insurance.

CASUALTY INSURANCE: FIRE, THEFT, ETC.

One example concerned a wife and husband who had a "homeowners" policy which would indemnify them in case of a loss from fire, flooding or theft. They divorced, with her retaining the house as a part of the property settlement. However, just as soon as the insurance company received notice of the divorce, it cancelled the insurance, saying that the company did not insure single-parent women with small children. [93] Apparently, the company views a woman-headed household as being unacceptably risky.

An insurance broker in New York testified that single homeowners (or tenants) have more trouble getting casualty insurance than do couples, or couples with working wives. When the single woman gets insurance, she tends to pay more for it. In the past, things were much worse. [94]

When asked whether a widow would encounter difficulty in getting a homeowner's policy renewed, she was equivocal:

> A. It all depends. It can happen; it can happen. It's interesting that it doesn't happen more than it does. The coverage gets renewed within the company. I guess maybe sometimes the company doesn't know the difference ...
>
> Q. So, if I [woman Panelist] am single, I'm in trouble if I try to get insurance.
>
> A. Well, sometimes, sometimes, it's getting better. [95]

MORTGAGE
LIFE INSURANCE

> When you get into [mortgage] life insurance I think there is distinct discrimination still against women. [96]

Amplifying on this point, the witness, an insurance broker, told the Panel in New York that where women are able to get such insurance, they face "discrimination in rates". [97]

MORTGAGE
DISABILITY
INSURANCE

Another company discounted the mortgage disability insurance upon divorce claiming the "amount of insurance was too high compared to the amount of income that I was earning". However, the monthly mortgage payments were only $150 and the woman's annual salary was $12,000. As a result of the company's cancellation, without further explanation, the woman head of the household has no present insurance coverage. [98]

Finally, women veterans (W.A.C.s) of World War II were not eligible for the G.I. insured loans "unless their husband cosigned the note". [99]

We recommend, in the light of this testimony, that HUD promptly undertake further study of the practices of insurers as they affect women's ability to secure shelter-related protections with the aim of eliminating those that are based not on current information but on habit and out-moded stereotypes.

Notes for Chapter 3

1. Mandelkar and Montgomery (eds.), *Housing in America: Problems and Perspectives* (Bobbs-Merrill, Indianapolis 1973) p.1.

2. Henry J. Aaron, *Shelter and Subsidies: Who Benefits From Federal Housing Policies?* (Brookings, 1972) p.53.

3. Internal Revenue Code of 1951, Section 1034.

4. Internal Revenue Code of 1951, Section 1014.

5. U.S. Department of Housing and Urban Development, *Housing in the Seventies* (Washington, D.C. 1974) p.36.

6. U.S. Commission on Civil Rights, *Mortgage Money: Who Gets It? A Case Study in Mortgage Lending Discrimination in Hartford, Connecticut* (June, 1974), p.3. [hereafter *Hartford Report*]

7. *Hearing before the U.S. Commission on Civil Rights, Baltimore, Maryland*, 138 (1970).

8. Rose Halper, *Racial Policies and Practices of Real Estate Brokers* (Minneapolis: Univ. of Minnesota Press, 1969); U.S. Commission on Civil Rights, *Equal Opportunity in Suburbia* (July 1974) pp.16 et.seq.; *United States v Alexander and Cloutier Realty Co*. (DC. ND.Ga 1970); *United States v Mintzes* (DC.Md)304F. Supp.1305; *United States v West Suburban Board of Realtors*,P-H Equal Housing Opportunity Reporter, parag. 13,641.

9. Testimony of Cynthia Hlass, *Atlanta Hearing*, 121-2 (II).

10. *Hartford Report*, p.27.

11. Testimony of Arlene Slaughter, *San Francisco Hearing*, 108.

12. Testimony of Mazie Hill, *San Antonio Hearing*, 157.

13. Testimony of Irv Wiener, *San Francisco Hearing*, 192-3.

14. See cases cited in Kenneth Montlack, "Using Statistical Evidence to Enforce the Laws Against Discrimination", 22 *Cleveland State Law Rev*. 259(1973).

15. Testimony of Ed Potter, *New York Hearing*, 131, 135.

16. Testimony of Peggy Conegy, *New York Hearing*, 136-7.

17. Testimony of Irv Wiener, *San Francisco Hearing*, 194-5.

18. Testimony of Mary Nelson, *Atlanta Hearing*, 117-8 (II).

19. Testimony of Cynthia Hlass, *Atlanta Hearing,* 121,126 (II).

20. Testimony of Ms. Sweeney, *St. Louis Hearing,* 224-5.

21. A practice need not be *intended* to discriminate in order to be a violation of law and regulation. If the *effect* of the practice is discriminatory and it has no economic basis, a practice may violate the law. See, *Federal Home Loan Bank Guideline,* 12 C.F.R. sec.531.8(b); *Griggs v. Duke Power Co.*, 401 U.S. 424(1971).

22. Testimony of Leila Long, Assistant Administrator for Equal Opportunity, New York City Housing and Development Administration, *New York Hearing*, 93.

23. *Simth v. Sol D. Adler Realty Co.*, 436 F 2nd 344(7th Cir.,1970).

24. Testimony of Lester Percells, Executive Director of Atlanta Housing Authority, *Atlanta Hearing*, 101 (II).

25. See Chapter 5, *infra*.

26. Testimony of Mazie Hill, Past President of San Antonio Board of Realtors, *San Antonio Hearing*, 165.

27. *Ibid*.

28. Testimony of Arlene Slaughter, *San Francisco Hearing*, 110.

29. Testimony of Ms. Hlass, *op.cit*., 131.

30. Testimony of Ms. Nelson, *op.cit*., 114 (II).

31. Testimony of Ms. Slaughter, *op.cit*., 111.

32. *Ibid*., 109-110.

33. U.S. Senate, *Hearings Before Subcommittee on Housing and Urban Affairs of Committee on Banking, Housing and Urban Affairs, Proposed Housing and Community Development for 1973*, 93d Cong., 1st Sess., July 27, 1973, p.1228.

34. House of Representatives, *Hearings Before Subcommittee on Consumer Affairs of Committee on Banking and Currency on HR 14856 and 14908*, 93d Cong., 2d Sess., June 20, 1974, p.31.

35. National Commission on Consumer Finance, *Consumer Credit in the United States* (1972); *Testimony before the Federal Deposit Insurance Corporation* (Dec. 19-20, 1972); *Credit Report of the Pennsylvania Commission on the Status of Women* (Oct. 31, 1973); *Hearings on Discrimination in Finance Before the Governor's Commission on Women's Programs in Idaho* (May 12, 1973); Senate Committee on Banking, Housing and Urban Affairs, *Truth in Lending Act Amendments*, Senate Report No.278, 93d Cong., 1st Sess., 16-17 (1973); *Hartford Report*.

36. Karen Hapgood and Judith Getzels, *Planning, Women and Change*, (American Society of Planning Officials, Rept. No.301, April 1974) p.13.

37. See Appendix H.

38. Testimony of Mary Ellen Powell, *St. Louis Hearing*, 170-5.

39. Testimony of J. William Mueller, *St. Louis Hearing*, 140.

40. Testimony of Mr. Wiener, *op.cit.*, 190.

41. Testimony of Maxine Brown, Housing Planner, Association of Bay Area Governments, *San Francisco Hearing*, 64.

42. Testimony of Ms. Wright, President UNITE, *San Francisco Hearing*, 158-9.

43. Testimony of Ms. Nelson, *op.cit.*, 114 (II).

44. Testimony of Mary Hartman, National Organization for Women, *Atlanta Hearing*, 84-85 (I).

45. Testimony of Ms. Hlass, *op.cit.*, 125 (II).

46. Testimony of Carol DeSaram, President, New York Chapter, National Organization for Women, *New York Hearing*, 163.

47. Testimony of June O'Leary, Lesbian Feminist Liberation, *New York Hearing*, 226.

48. Testimony of C.L. Hunicutt, *San Antonio Hearing*, 130.

49. Testimony of Ms. Slaughter, *op.cit.*, 105, 107.

50. U.S. Department of Housing and Urban Development, Mortgage Credit Analysis Handbook for Mortgage Insurance on One to Four-Family Properties (1972) sec. 2-7a.

51. *Hartford Report*, p.26.

52. Testimony of Ms. Slaughter, *op.cit.*, p.109-110.

53. *Ibid*., p.11.

54. Testimony of Barbara Rayola, *San Francisco Hearing*, 157.

55. Hapgood and Getzels, *op.cit*., p.20.

56. Testimony of Robert Hoilien, Vice President, Home Federal Savings and Loan Association, *San Francisco Hearing*, 217.

57. Testimony of Maxine Robinson, Director, Women's Information Center, YWCA, *Atlanta Hearing*, 68 (I); see also Testimony of Mr. Hoilien, *op.cit*., p.217.

58. Testimony of Mary Hartmen, *op.cit*., p.84 (I).

59. Testimony of Maxine Robinson, *op.cit*., p.60.

60. Letter from Helen T--[victim] to Maxine Brown, *San Francisco Hearing*, Exhibit K.

61. Testimony of Maxine Robinson, *op.cit*., p.58.

62. *Hartford Report*, p.28.

63. *Ibid*., p.29.

64. Testimony of Mr. Hoilien, *op.cit*., p.217.

65. District of Columbia, Commission on Status of Women, *Sixth Annual Report*, 1973.

66. Testimony of Robert A. Drolich, Executive Director, Greater St. Louis Savings and Loan League, *St. Louis Hearing*, 54; Testimony of C. L. Hunnicutt, President. San Antonio Chapter of Mortgage Bankers Association, *op.cit*., pp.129-150; Testimony of Ed Hiles, Executive Vice President, Gerogia Savings and Loan League, *Atlanta Hearing*, 134 (II).

67. Testimony of Mr. Hiles, *op.cit*., p.134.

68. Testimony of John W. Heckenlively, Mortgage Bankers Association of Northern California, *San Francisco Hearing*, 199-200.

69. Testimony of Mr. Drolich, *op.cit*., p.55.

70. Comment of Lillian Benbow, President, Delta Sigma Theta, *St. Louis Hearing*, 58-59.

71. Senate Hearings, *op.cit*., at note 33, pp.1228-9.

72. Steven Rhode, "Ending Sexism in the Mortgage Market", *Remarks at National Presidents' Meeting sponsored by National Council of Negro Women*, September 14, 1974, pp.1-2.

73. U. S. Department of Labor, Women's Bureau, "Highlights of Women's

Employment and Education", June 1974; "Twenty Facts on Women Workers", June 1974.

74. Survey released by the United States Savings and Loan League, involving more than 400 large Savings and Loan Associations, showed that only 28 percent of these S and Ls would give full credit to a working wife's income. See also D.C. Commission on Status of Women Report, 1973, which documented discrimination by lenders in Washington, D.C. area.

75. This was the testimony of spokesmen from the lending community at the Atlanta, St. Louis and San Antonio Hearings. See note 66.

76. *Ibid.*, especially testimony of Mr. Hiles, *Atlanta Hearing*.

77. U.S. Department of Housing and Urban Development, Mortgage Credit Analysis Handbook for Mortgage Insurance on One to Four-Family Properties (1972), sec.1-22.

78. *Washington Post*, February 24, 1973; see also *Hartford Report*, pp.25-26.

79. U.S. Veterans Administration, Dept. of Veterans Benefits Circular No. 26-73-24, July 18, 1973.

80. Testimony of Mary Nelson, *op.cit.*, p.114 (II).

81. Testimony of Patricia Vasquez, attorney, Mexican American Legal Defense and Educational Fund, *San Antonio Hearing*, 43.

82. Testimony of Sue Shear, State Legislator, *St. Louis Hearing*, 81-82.

83. Testimony of Charles H-- [victim], *Atlanta Hearing*, 88-89 (II).

84. *House Hearings*, op.cit., p.133.

85. See discussion in Chapter 5, *infra*.

86. Remarks by Eugene H. Adams before Florida Bankers Association, Bal Harbour, Florida, June 23, 1973; Indiana Bankers Association, French Lick, Indiana, June 13, 1974, reprinted in *House Hearings*, *op.cit.*, p.310-4. See also Richard McConnell, "Take a *New* Look at Women Borrowers", *BANKING: Journal of American Bankers Association*, August 1973; "Loans to Women: A Case for Questioning Lending Criteria", *Savings and Loan News*, January 1974.

87. Testimony of Ms. Sweeney, *op.cit.*, p.224.

88. Testimony of Annie M-- [victim], *San Antonio Hearing*, 59.

89. Testimony of Joanna G-- [victim], _San Antonio Hearing_, 63-65.

90. Testimony of Sharon B-- [victim], _St. Louis Hearing_, 218-9.

91. Testimony of Ms. Rayola, _op.cit_., pp.146-7.

92. _Ibid_.

93. Testimony of Martha Gaines, _Atlanta Hearing_, 103-4 (II).

94. Testimony of Betty Lou Scandling, Insurance broker, _New York Hearing_, 247 _et.seq_.

95. Testimony of Ms. Scandling, _op.cit_., pp.249, 251.

96. Testimony of Ms. Scandling, _op.cit_., p.252.

97. _Ibid_.

98. Testimony of Ann C. M-- [victim], _Atlanta Hearing_, 114-6 (I).

99. Testimony of Mr. Hiles, _op.cit_., p.137 (I).

Chapter 4

WOMEN WITH "SEX-PLUS" DISABILITIES

> *... the woman alone with the child or children really has the worst time of all because of the entanglement of all kinds of discrimination, the layers of discrimination. And if the woman is of a minority group it adds another layer ... and if she's "on welfare", it adds another layer, if she's got a large family, it adds another; it becomes impossible.*
>
> -- Edith Witt, San Francisco Hearing, March 7, 1975

The previous chapters have examined the pathology of sex bias in the housing market as it affects women as a class. It runs deep in our nation's history; nourished by myths, long since forsaken by reality. No woman, we have seen, is beyond its potential reach. It cuts across class, age, race or geographic lines. And since 42 percent of all married women work outside the home, even the white, male-headed family feels its pinch in lenders' disparate treatment of the working wife's income.

For many women, however, sexism is but an extra barrier they are required to surmount in their search for shelter. Trapped in the backwash of urbanization, women living in the nation's inner cities face sexism's allies -- race, ethnic, class and even age biases -- which interlock in a virtually impregnable wall to equal housing opportunity.

* * * *

ETHNIC AND RACIAL DISCRIMINATION: THE MINORITY WOMAN

A non-white woman in America often faces the double-barrelled bias of sex and race; she carries the "dual burden of Jim Crow and Jane Crow". [1] Race and ethnic discrimination requires little elaboration for those familiar with this country's urban housing patterns. [2] Latins and blacks have historically been concentrated in urban housing ghettoes and there is little indication that the incidence of ghettoization is waning. [3]

In a July, 1974, report, the U. S. Commission on Civil Rights concluded:

> More than a decade ago, this Commission noted the development of a 'white noose' of new suburban housing on the peripheries of decaying cities with an 'ever-increasing concentration of non-whites in racial ghettoes'. Today that pattern is even more pronounced. ... Racial discrimination in housing compels blacks and other minority group members to live in the metropolitan area's least desirable housing. Their housing tends to be older, in worse condition, and in less desirable neighborhoods ... [I]n various suburban communities whites harbor stereotypes which cause considerable fear of and animosity toward blacks, Mexican-Americans, and Puerto Ricans, especially those perceived as being of a lower class. [4]

St. Louis, in our study, illustrated the demographic consequences of apartheid, American style. A population analyst from St. Louis University, Frank Avesing, described the situation for the Panel:

> The significant factor in regard to the City of St. Louis is that it is, increasingly, a city of aged whites and younger blacks. [5]

In fact, the black population of St. Louis county in 1970 was 4.1 percent and of St. Louis City 43.7 percent. This polarization has not been accidental or inevitable. Powerful institutional factors in the housing market prevented non-whites, the U. S. Civil Rights Commission found, from having a free choice of housing.

At hearings conducted by the Commission in 1971, a black school teacher testified how she visited more than a score of real estate offices to find out where they would offer her housing. She was invariably "steered" to an all-black or changing neighborhood. [6]

Nor had the situation changed in 1975. "Public housing," a witness from the Puerto Rican community told the New York Panel, "is the primary means of getting a habitable and decent home for the East Harlem families with a female head of household." [7]

Elizabeth Bruenn, a community organizer of social self-help for the Chinese elderly, described the plight of the Chinese woman confronting both ethnic bias and sexism in San Francisco. [8] In that same city, another witness told the Panel:

> Some of the people said that they felt black women had more trouble with sex discrimination; I'm sure that's true, but we attack it as if it was racial discrimination. [The witness then described a recent case involving a black woman, Rita A--, seeking an apartment] ... Rita went over and filled out an application ... she was called back and told that the application was rejected because she was a divorced woman ... She called us, [A Fair Housing organization] and we sent a young white woman. She went out there ... and she was perfectly acceptable. [9]

In Atlanta, a black female, professional state government employee, who described her inability to rent in a major complex although she felt she had all the qualifications, felt that both sex and race were factors in her exclusion.

> And automatically, you know, we thought it was because of race, which I'm sure it was a bit ... It's really kind of hard to say. [It was] blatant racism at first; and after really looking, I suppose it could be prejudice based on race as well as sex ... [Q. Do you see the problem of discrimination against women, particularly in housing, being aggravated by your also being black?] ... Definitely. [10]

Ms. Frankie Freeman, a Commissioner on the U.S. Commission on Civil Rights, concluded that "the conditions [poor inner city housing where minority families predominate] which have been described, reveal a situation that is the result of the discrimination against women, which is compounded by the discrimination on the basis of race, or vice versa, as the case may be". [11] As Alice Cumba told the New York Panel:

> We are not claiming that only Puerto Rican women are subject to discrimination. Double standards or irrelevant standards apply to all women, but we see the effect of discrimination against Puerto Rican women in East Harlem. [12]

In 1975 poverty amid plenty remains an American paradox. While the size and composition of the Nation's poor may change, there are no encouraging signs that as a nation we are solving the paradox. Those who are poor occupy, when measured against any standard, the Nation's worst housing. [13]

CLASS DISCRIMINATION: THE FEMALE-HEADED HOUSEHOLD

Government housing programs, while helping many families since their inception forty years ago, have fallen far shy of providing a decent home for every American. Indeed in recent years, Federal housing efforts have largely been shelved, with class bias contributing heavily to their demise. Carl Stokes, the former Mayor of Cleveland, has described the "great and fearsome" resistance he encountered in both white and black communities when he sought to put low-income housing in a middle-income neighborhood. [14] Suburbia's use of zoning, the referendum, and other controls to fence out the poor -- and real and fanciful problems associated with them -- is by now common knowledge. [15]

Many then would agree with the witness at the New York Hearing who told the Panel that:

> ... the most serious sex discrimination in housing results from the lack of adequate low-income housing. [16]

For one group of low-income women -- the female-headed household -- the problem is worsening. The President's Commission on Income Maintenance Programs, after examining "mobility among the poor," concluded:

> The 64 percent remaining in poverty were disproportionately comprised of nonwhites, female-headed families ... For [this] group, poverty is not a way station, it is a dead end. [17]

According to the Women's Bureau in the U.S.Department of Labor,

> Of the 6,191,000 families headed by women in March 1972, 2,100,000 or 34 percent, had incomes below the low-income level in 1971. The comparable proportion for families with a male-head was 7 percent. [18]

If you add additional "disabilities", in 1971 you found

- that among those female-headed families where there are related children under 18, 45 percent were poor;
- that 61 percent of the persons in families headed by women of Hispanic origin were poor, and
- that 60 percent of persons in black female-headed familes with related children under age 18 were poor. [19]

Virtually, the entire decline in the overall number of persons in poverty between 1960 and 1972 is accounted for by persons in male-headed families. During this period poor persons in female-headed households increased by 867,000. As a result, while only 24 percent of the poor families were female-headed in 1960, by 1972, 43 percent were female-headed. And if you focus on families with children, more than 50 percent of poor families with children are female-headed. [20]

About two-thirds of these households live in central cities and more than 24 percent are in overcrowded quarters, with the incidence of overcrowding about three times the national level. Fifteen percent lack complete plumbing -- more than twice the national level of 5.9 percent. [21]

In the cities we examined, the housing plight of the female-headed household with children was, for each income group, discouraging. If the household was poor it was impossible. San Antonio, in this respect, was typical of the other cities. There the Panel was told that out of the 175,000 residents living in units unsuitable for rehabilitation, 50 percent of these are female-headed.

For low-income mothers, child care facilities are crucial if they are to work. They are almost never avialable, and when they are, they are often "used as a tool of a welfare system which has attempted to tie the granting of financial aid to the mothers working outside the home". [22]

In their study, Planning, Woman and Change, Karen Hapgood and Judith Getzels concluded:

> Even with income to spare, quality daytime child care assistance is often difficult to locate and is complicated further by lack of public transportation. Day care is a service which should require no justification; day care must be normalized. As Margaret Steinfels says in Who's Minding the Children?: "It

> -- day care to families in general, whose decision to use day care would be seen as simply another one of those choices we all make about how and where to live, and not as an indication of any problem status ... [23]

Many of the families are forced to seek shelter in public housing. Yet in San Francisco, "the vacancy rate in public housing, if there is such a thing, is minus zero". In San Antonio, there is a long waiting list for family units. Already, however, women head all but 18 of the 3200 one-parent households which dominate the non-elderly unit. [24] In St. Louis, 84 percent of the occupied "family units" are female-headed. There is a long waiting list for the larger apartments. [25]

The purchase of conventionally-financed houses by these households is, of course, out of the question. In St.Louis the average price of a new home is $42,000, requiring $360 as monthly payments. Even in San Antonio, where shelter is less than the national average, most female headed households are priced out of the home buyer market.

In New York City one major private landlord will not rent to anyone who is "on welfare".[26] Since women represent a disproportionate share of persons on welfare rolls, such a policy has a discriminatory impact on women, and contributes to converting public housing into the Nation's female ghettoes.

THE AGED

While men and women in the United States have both gained in life expectancy since 1900, the gain for women has been larger in nearly every age bracket. In 1970, the difference was 7.5 years, so that the day a woman marries, she becomes not only a wife but a probable widow. (See Appendix I) One recent study on widowhood in America reports that 11 million women are widows, and in the next ten years, there will be an additional million.[27]

> The aging population is increasingly a female population. Women who formerly lived with spouse and family must consider other arrangements as they grow older. Fewer elderly persons live comfortably in the same households with their grown children. Both generations place high value on independence. Yet the elderly need to retain contact with their families, friends and communities. [28]

Several have called our attention to the unenviable lot of the older woman in our society. While men are allowed to "age gracefully", society forces women to "grow old in pain and with pity". [29] Frequently they face the same kind of sexist housing practices as do younger women. As Iris Velez, a Spanish-speaking widow told the Panel in San Antonio:

> We took the loan application to another mortgage company and they, the second mortgage company, rejected it in two days. And this time I thought this was even worse, more heart-breaking because the second mortgage company took it as a joke and they told me that the reason they could not accept my application was because I was a widow but that if I could find a male co-signer they would be very glad to approve it because they realized that my income was fantastic. [30]

Many women, less fortunate than the above widow Ms. Velez, grow old in poverty and with very limited residential choice.

Older Americans form a substantial portion of the poor. "Of the 12.4 million households with heads aged 65 and over in 1970, 5.8 million, or 47 percent, had incomes of less than $3,000". [31] These households are 3 times as likely as the population as a whole to occupy a house with incomplete plumbing. Many devote more than 35 percent of their income to shelter; some more than 100 percent, requiring the use of accumulated savings. [32]

In terms of choice of location, the elderly woman finds herself, like the non-white, confined disproportionately to the central city. She finds herself, increasingly, living in a city of aged whites and younger blacks. As Frank Avesing told the St. Louis Panel:

> The blacks constitute 40 and 50 percent ... the white population is 20 percent aged, 2 out of 9 women, white women in the city are aged, 22 percent ... and we have a tremendous number of live alones. Women aged ... large numbers of aged women living alone, survivors of families of married couples ... [33]

Suburban zoning contributes to fencing out the older woman. Local ordinances which prohibit, for example, unrelated adults from living in single family homes, preclude the elderly, in particular, from pooling their resources to find decent shelter during this period of low vacancies and rising shelter costs. One such ordinance was recently upheld by the U.S. Supreme Court in *Boraas v. Village of Belle Terre*. [34]

Other ordinances preclude the construction of higher density dwellings, especially suitable, some believe, for elderly developments. As Barbara Shack, Director of the ACLU's Women's Rights Project told the Panel in New York:

> Today I would like to suggest that exclusionary zoning laws present the most serious obstacle for housing for women, and other poor or low income people ... [35]

* * * *

In the five Hearings, the Panels heard much more of what we but simply capsulized in the preceding pages of this Chapter. These witnesses bared the American tragedy of women victimized by the multiple social pathologies of classism, racism, sexism and, indeed, age-ism. As Aileen Hernandez, past president of the National Organization for Women and the convenor of the San Francisco ad hoc Commission on Women and Housing, succinctly put it:

> When you start eliminating those sex-plus factors in the sex-plus concept that lawyers have come up with, you will come down to the nitty-gritty that women are indeed discriminated against ... [36]

Meeting the housing needs of women requires, then, a recognition of the discrimination which they face, a discrimination which for large numbers of women is magnified by "sex-plus disabilities" that require them to pay a disproportionate toll of America's urbanization. These women "still haven't gotten the not-so-novel but decent housing promised the people of the United States decades ago". [37]

The U.S. Department of Housing and Urban Development -- in monitoring Title I [Housing and Community Development Act of 1974] special revenue sharing funds, in administering Title II housing assistance programs, and in fashioning a housing allowance strategy for the future -- is obligated to respond to these unmet needs. Therefore, we recommend that *HUD, in conjunction with an ad hoc Task Force of Representatives from Women's Organizations, undertake a prompt examination of all housing-related federal programs in the light of the Federal Fair Housing Act, as amended by section 808(b) of the Housing and Community Development Act of 1974; section 527 of Title V of the National Housing Act; and section 109 of Title I of the Housing and Community Development Act of 1974, to identify specific steps to be taken to assure their administration in a manner which affirmatively furthers the goal of equal housing opportunity for women.*

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Chapter 5

PROSPECTS FOR HELP: LEGAL REMEDIES FOR SEX BIAS

> *"I think history has shown ... that the problems of discrimination are such that a multiplicity of remedies -- private, administrative, and judicial are necessary to effectuate the purposes of the legislation."* [1]

Today in America sex discrimination in housing is "against the Law". Indeed sex bias violates many laws, providing the multiple remedies generally conceded to be indispensable to fulfilling the stated commitment to a truly "free and open society". [2]

What are these laws and multiple remedies? That's the subject of this chapter. What is needed to fuel these statutes to blunt effectively the force of sexism in the housing market? That's the subject of the next chapter.

Many women told the Panels in the five cities of their feeling the sting of sex discrimination. Almost none knew their options under the Law to do something about it.

* * * *

Know The Law: Federal Fair Housing Law

Option 1

> You can file a complaint simply by picking up the phone. [3]

800-424-8590 will not get a woman a room in a Holiday Inn anywhere in the country. Another toll-free number does that. But it can, since August 22, 1974, help free thousands of residences from the clutches of sex discrimination. For on this date President Ford signed the 1974 Housing and Community Development Act which, among many things, extended the Federal Fair Housing Act, also known as Title VIII of the Civil Rights Act of 1968, to prohibit discrimination on the basis of sex.

The Federal Fair Housing Law, enacted as a part of omnibus civil rights legislation during the riot-swept summer of 1968, proclaims

> It [to be] the policy of the United States to provide for fair housing throughout the United States.

From its inception the Act prohibited discrimination on account of race, color, religion or national origin -- but not sex. As Senator William Brock explained to the Senate Subcommittee of Housing and Urban Affairs in 1973:

> Five years ago when the Fair Housing Act was passed, what problems that were recognized in this area [sex discrimination] were seen as individual rather than systemic. In the years since the passage of the Act, it has become increasingly evident that prohibition against discrimination on account of sex should have been included in the Act, and I now seek to remedy this omission. [4]

Thanks to the efforts of Senator Brock and Representative Leonor Sullivan in the House, Congress did remedy this omission in 1974. One result: a woman who honestly feels she has been discriminated against because of her sex in renting or buying can get Federal help by simply calling, day or night, the toll-free 800-424-8590. Any day of the week this number plugs the caller into the investigative resources of the United States Department of Housing and Urban Development (HUD), the agency with the major responsibility for enforcing the Federal Fair Housing Act.

When it receives a complaint, either in writing or over its toll-free "hot line", HUD does the investigating through its 10 Regional Offices covering the 50 States, Puerto Rico and the Virgin Islands. The complainant is not required to know "all the facts" to prove the guilt of the wrongdoer. It is HUD's job to get the information it needs to attempt to secure the shelter or get damages or both through informal, confidential conciliations. And HUD's responsibility is broad since the Federal Fair Housing Act makes it unlawful, on account of sex [and race, color, religion or national origin] to

- refuse to sell or rent ... or otherwise make unavailable;
- discriminate in the terms, conditions, or privileges of the transaction;
- indicate any preference in any advertising;
- misrepresent the availability of the dwelling;
- discriminate in the terms of or in the availability of financing, or
- discriminate in the availability of brokerage services.

In calling HUD's attention to unlawful conduct, the woman should act promptly. The unit may get rented or sold, eliminating one element of possible relief. And if she delays more than 180 days after the alleged discrimination, there may be nothing HUD can do about it. [5]

The woman complainant has little to lose in calling HUD ... and a lot to gain. "During the last half of Fiscal 1974", according to former HUD Assistant Secretary Toote, "we more than doubled the amount recovered by claimants in our conciliation efforts [in race and ethnic discrimination cases] to $125,000." [6]

Eight months after the enactment of the sex amendment to the Act, only two hundred women had filed complaints charging sex bias in a housing transaction. [7] This is a small number considering that such complaints may touch on almost any part of the market-place where shelter gets distributed in this country, [8] and any phase of the transaction. Yet the passage of the 1974 Amendment received little publicity, and no major campaign has been mounted to overcome this.

HUD's administrative machinery relies on prompt investigating and skillful conciliating. In some cases either one or both is lacking. In other cases, neither is strong enough medicine. When that happens, there is little more HUD itself can do, lacking as it does "cease and desist" power or the authority to fine. While the victim unsuccessful at conciliation can go to court, the Agency's only alternative is a reference of the matter, if appropriate, to the U.S. Department of Justice for action.

Unlike HUD, the Justice Department can seek the court's help in remedying housing discrimination where there is reasonable cause to believe

(a) there is a pattern or practice of sex discrimination, or

(b) the denial of rights protected by the Act raises "an issue of general public importance". [9]

Using the Act's broad sweep, the U.S.Attorney General has secured relief in a variety of cases involving race discrimination. At least one sex suit is pending.

Perhaps of most importance is the option of the victim to go directly to court. This litigation power, plus the Attorney General's authority to bring a "public" action, have been the "main generating forces" in the fight for fair housing throughout the United States. Commenting on the importance of this option, former HUD Secretary Lynn told the House Appropriations Subcommittee last year,

> As a person who practiced law for a fair period of time, as did Dr. Toote, both of us feel that that form of enforcement may very well turn out to be for the longer haul far more effective than our complaint procedures. A body of law is developing that says, for example, that no matter how small the actual damages were, the defendant, if he is found to have sinned under these laws, has to pay reasonable attorney fees to the plaintiff. That can be quite an incentive for a person to settle very quickly. [10]

As a result of this litigation, many fundamental propositions are now firmly embedded in fair housing law. On these, sex litigation can confidently build. They include:

1. admitting evidence of "checking" or "testing" [11] as well as statistics to prove a prima facie case; [12]

2. establishing that race (or sex) need not be the only reason for the gatekeeper's conduct -- it being sufficient to show that race (or sex) is merely one of a number of otherwise valid business factors; [13]

3. establishing that discrimination includes not just blatant or simple-minded bigotry but sophisticated schemes as well; [14]

4. establishing that evidence of discrimination, occurring before such conduct was prohibited, is nonetheless admissible to show the policy persists, [15] and

5. awarding damages, both actual and punitive, with its likely deterrent to further discrimination, [16] as well as attorney's fees. [17]

With these principles in place and with HUD's administrative machinery crippled by a lack of enforcement bite and State referral requirements [18], women -- and the practising bar -- are likely to look (and wisely so) to the proven tool of federal litigation for protection of their new claims to equal housing opportunity at last "guaranteed" by the Federal Fair Housing Act.

HUD, in turn, should minimize the use of its resources on the processing of individual complaints, many of which (based on our Hearings) are likely to come from rental transactions where HUD's admittedly time-consuming procedures are least likely to be effective. A more promising use of scarce resources would involve such tools as compliance reviews and affirmative action where HUD, rather than the victim, would be the initiator.

As one witness told the Panel in Atlanta:

> I think that the onus for compliance must switch from action brought by the folks discriminated against to the agencies. [19]

In its recent assessment of HUD's program to combat discrimination in housing, the U.S. Civil Rights Commission also urged the Agency to "make compliance reviews the core of its program". [20] There is evidence that HUD is now taking the initiative. In 1974 HUD conducted "administrative meetings" in Hartford, Connecticut and Washington, D.C. It also negotiated area-wide affirmative marketing agreements covering 13 metropolitan areas. This should continue through initiatives which include special focus on sex discrimination. Thus, we recommend that HUD

(a) *conduct community-wide investigations, including the use (through private organizations) of "testers", to identify specific patterns of sex discrimination in housing in at least two metropolitan areas in each HUD region in FY 1976. In this connection special emphasis shall be accorded sex discrimination in rental housing as it affects women heads of households, and*

(b) *conduct a prompt examination of its programs in the light of the aforementioned statutes to assure their administration in a manner which affirmatively furthers the goal of equal housing opportunity for women*

Because of the risk that HUD may relegate sex cases to a lesser priority, we recommend that HUD

(a) *conduct a prompt examination of its equal opportunity requirements to assure that they apply with the same force and effect to sex discrimination as they do to discrimination on account of race; and*

(b) *issue as soon as possible Guidelines which clarify the scope, purpose and HUD's planned implementation of the Federal Fair Housing Act, as amended by section 808(b) of the Housing and Community Development Act of 1974; section 527 of Title V of the National Housing Act; and section 109 of Title I of the Housing and Community Development Act of 1974.*

HUD presently recognizes as "substantially equivalent" state laws which do not prohibit sex discrimination. Yet, a state law which does not prohibit discrimination on account of race, color, religion or national origin would not be accorded "substantial equivalency" status. While HUD may possess a rationale for this disparate treatment, it has not told the American public what this is. It was accomplished without inviting comment or public hearings through a series of amendments to its Fair Housing Regulations which HUD published in the Federal Register of May 8, 1975, but made effective retroactive to August 22, 1974. The government apparently considers the disparate treatment of little consequence, stating in the preamble to the amendments that they were "merely editorial modifications to reflect the congressional mandate expressed in Title VIII". [21]

We believe American women are entitled to know why this was done and when, if ever, HUD plans to change it.

Know the Law: State and Local Fair Housing Acts

Option 2

It has been the States, not the Federal government, which trail-blazed in fair housing legislation in this country. Thus, when Congress finally covered sex discrimination in 1974, Colorado had prohibited such conduct since the Fifties.

Today twenty-five States provide some measure of protection for the woman housing consumer. (See Appendix J) Women residing in these States have a second option -- complaining to the State agency which, in some instances, has more remedial clout than does HUD. Some State agencies, for example, can hold public hearings or issue cease and desist orders or award damages. Alaska, as an illustration, had the authority to seek a temporary restraining order.

> At any time a complaint is filed ... alleging an unlawful discriminatory practice, the Commission may file a petition in the Superior Court ... seeking appropriate temporary relief ... including an order or decree restraining him from doing or procuring any act tending to render ineffectual

Yet, in the five cities involved in this Project, only one -- New York City -- is located in a state with a Fair Housing Law covering sex discrimination. (In fact, women in that city are protected by city as well as federal and state legislation.)

Three states -- Georgia, Missouri and Texas -- have no fair housing legislation. *We recommend that HUD urge the governors of these States to support, at the next legislative session, equal housing legislation substantially equivalent to Title VIII of the Civil Rights Act of 1968, as amended in 1974 to cover discrimination based on sex.*

California has a Fair Housing Act, California Health and Safety Code, section 35700 et seq., but the statute does not cover sex discrimination. This omission should be cured.

Women residents of New York City have a cornucopia of remedies. For, in addition to remedies under the Federal Fair Housing Law, both the State and city have comprehensive statutes proscribing housing discrimination on the basis of sex as well as race, creed, color and national origin.

The Division of Human Rights, the state agency responsible for administering the New York Fair Housing Act, has broad powers, including the authority to seek a temporary restraining order which maintains the status quo. While the New York City Agency has no comparable power, it has adopted a "posting" procedure which it believes accomplishes in rental cases the same result and without the delay attendant to seeking a court's aid. The chairperson of the New York City Commission on Human Rights, described this technique for the Panel this way:

> The Commission's posting power is a unique feature of our housing mandate. The Commission is one of the few agencies in the country which has such posting power. Indeed I know of no other agency which has the power. There may be some by this time. Posting power often has the effect of an injunction, because once the apartment is publicly posted with a sign on its door, that informs potential renters and buyers that a legal investigation of discrimination by our agency is in progress, it effectively takes the property off the market for the 10-day period allowed by the statute.
>
> This is the key power that encourages the respondent to rethink his position and has been effective in obtaining the

> apartment or house for the complainant in about 98 percent of our cases where its use or its threatened use has been possible.
>
> * * *
>
> What happens is that the apartment, if there is, the initial, not proof but the initial evidence indicating that more evidence will in fact demonstrate that discrimination has occurred ... a sign is put on the apartment door, that effectively says this apartment or premises is being investigated by the New York City Commission on Human Rights under the blank blank, and anybody who takes this apartment should know this or whatever.
>
> * * *
>
> What we want to do is to stop somebody from seeing the apartment, from renting it, and if he goes in that door and he sees the sign on it saying, there may be delay here because there's adjudication by an administrative agency involved. That is how to get started.
>
> * * *
>
> The posting power is so effective that I would like to see it used universally across the country. [23]

Because of the importance of speed in remedying the denial of equal rental opportunities, we recommend: *that HUD develop a monograph describing the New York City posting procedure and commend its adoption by other public agencies charged with the enforcement of fair housing laws.*

Sometimes the victim will not wish the unit; instead damages represent the appropriate relief. Although many state statutes don't expressly authorize the state agencies to award damages, the courts have tended to interpret the laws to find such power.

In New York the Court of Appeals recently reaffirmed its holding that the Division of Human Rights could award compensatory damages for mental suffering. [24] And in one of the few reported cases dealing with sex discrimination, the New Jersey Supreme Court upheld the Division of Civil Rights' award of damages (both economic compensatory and pain and suffering) though there was no specific authority in the statute. [25] Similar results were reached in Massachusetts and Washington, [26] but complainants have not been successful in Pennsylvania and Ohio. [27]

Because of the importance of damages to proper relief for victims of housing discrimination, state fair housing statutes should be amended to authorize compensatory and punitive damages in appropriate cases.

Know the Law: State Remedies for Credit Discrimination

Option 3

In the preceding pages of this Chapter we have described options a woman may pursue under comprehensive fair housing legislation, whether Federal or state, encompassing many phases of a housing transaction. With respect to one phase of the transaction -- the acquisition of mortgage credit -- the woman has additional remedies to combat sex bias.

More than 20 States and the District of Columbia have passed legislation prohibiting sex discrimination in the extension of credit. [28] They owe their genesis, in major part, to the dramatic attention the National Commission on Consumer Finance brought to the issues of women and credit in the summer of 1972. [29]

Most of these statutes cover home financing as well as consumer credit. Some such as Colorado, Illinois and Maryland do not. Because of the importance of mortgage credit to women, we recommend that *States whose statutes prohibiting credit discrimination fail to cover home financing amend their laws at the next legislative session to cure this omission.*

Of the five cities in this study only two were in States, California and New York, with laws prohibiting credit discrimination on account of sex. Comparing their substantive provisions illustrates the "patch-work quilt" of state action in this field.

The California Civil Code provides that:

> No married woman shall be denied credit in her own name if her uncommingled earnings or separate property are such that

> a man possessing the same amount of property or earnings would receive credit.
>
> No unmarried woman shall be denied credit if her property or earnings are such that a man possessing the same amount of property or earnings would receive credit. [30]

In contrast, the recent amendment to the New York State Human Relations Act is much broader in scope. In pertinent part, it provides:

> It shall be an unlawful discriminatory practice for any creditor or any officer, agent or employee thereof:
>
> a. In the case of applications for credit with respect to the purchase, acquisition, construction, rehabilitation, repair or maintenance of any housing accommodation, land or commercial space to discriminate against any such applicant because of the race, creed, color, national origin, sex or marital status of such applicant or applicants or any member, stockholder, director, officer or employee of such applicant or applicants, or of the prospective occupants or tenants of such housing accommodation, land or commercial space, in the granting, withholding, extending or renewing, or in the fixing of the rates, terms or conditions of, any such credit.
>
> b. To discriminate in the granting, withholding, extending or renewing, or in the fixing of the rates, terms or conditions of, any form of credit, on the basis of race, creed, color, national origin, sex or marital status.
>
> c. To use any form of application for credit or use or make any record or inquiry which expresses, directly or indirectly, any limitation, specification, or discrimination as to race, creed, color, national origin, sex or marital status; provided, however, that this section shall not bar creditors from making inquiries and records from which they may compile statistics for the purpose of demonstrating compliance with this section, or for the purpose of establishing and evaluating valid, objective criteria of credit worthiness.
>
> d. To make any inquiry of an applicant concerning his or her capacity to bear children, or his or her use or advocacy of any form of birth control or family planning.
>
> e. To refuse to consider sources of an applicant's income

> or to subject an applicant's income to automatic discounting, in whole or in part, because of an applicant's race, creed, color, national origin, sex, marital status or childbearing potential. [31]

The New York law extends its protections to each aspect of the credit transaction -- granting, withholding, extending or renewing credit; fixing of the interest rates and other terms and conditions. Lenders are specifically required to consider all sources of the applicant's income.

We found enforcement under the New York Act to be split between the New York Banking Department and the State Division of Human Rights. Jurisdiction over creditors licensed and regulated by the State Banking Department is concurrent. With respect to all other lenders, the complainant must contact the State Division of Human Rights.

Edith Novak, Assistant Counsel to the New York State Banking Department, described for the Panel the enforcement powers:

> Both Departments [State Banking and Division of Human Rights] may issue orders requiring the granting of the credit applied for, requiring the creditors to cease and desist from the practice complained of, requiring the payment of damages and making other appropriate orders.
>
> In addition, the Superintendent of Banks may also require the payment of a fine up to $10,000 to the State of New York. The aggrieved applicant may also sue, that is pursue a private remedy, but the remedies are exclusive, that is, you may not both sue and bring an administrative complaint except in limited circumstances. [32]

Several features of the New York Act warrant attention. One is the requirement to provide the borrower, upon request, the reasons for rejecting her application. [33] Another provision allows the State Superintendent of Banks to initiate investigations without a specific complaint. [34]

Finally, lenders who request permission of the Superintendent to take any action which requires consideration of the public interest or which requires finding the financial responsibility and general fitness of the creditor, are required to file a written certification of their compliance with this Law. Lenders who have been found in violation of the Act risk a denial of the pending application for Superintendent approval.

It is too early to assess the impact of state laws prohibiting credit discrimination against women. They represent, in the words of one commentator, "a patch-work quilt covering some of the problems in some trouble spots". [35]

Writing a little more than a year ago, Margaret Gates of the Center for Women Policy Studies in Washington, D.C. summarized the states' response to sex-based credit discrimination this way:

> The enforcement provisions of these laws fall into two basic categories: those that extend a private right of action for damages; and those that provide for an administrative remedy. The Oregon, Washington, Massachusetts and District of Columbia laws include both provisions and permit the complainant to choose which to pursue. Three states explicitly provide for injunctive relief in addition to one of the above remedies, and Wisconsin has a criminal sanction of a 1,000-dollar fine instead of the right to a civil action. The Illinois law was enacted without any enforcement provisions. Six states provide for attorneys' fees and/or court costs, and punitive damages may be awarded in Oregon and Florida ...
>
> [Few of these state laws] are comprehensive enough or well enough enforced to be effective. [36]

What was needed, many believed, was comprehensive legislation. In 1974 Congress acted, not once but twice, and this brings us to Option 4.

Know the Law: Federal Prohibitions on Credit Discrimination

Option 4

Mortgage credit discrimination on account of race has been especially resistant to the antidote of fair housing legislation. Congress in 1974 fashioned additional tools which, at this writing, have yet to be tested in forays with the Nation's credit community.

With the passage of the Housing and Community Development Act and the Depository Institutions Amendments Act of 1974

Congress added to woman's anti-discrimination legal arsenal by

1. making it unlawful under section 805 of the Federal Fair Housing Act (discussed in Option 1, supra.) to discriminate because of sex in the financing of shelter;

2. making it also unlawful under section 527 of the National Housing Act to deny virtually any mortgage loan to a person on account of sex;

3. making it unlawful under the Equal Credit Opportunity Act for a creditor to discriminate against any applicant on the basis of sex or marital status with respect to any credit transaction (including, but not limited to, a mortgage loan); and

4. forbidding under section 527 of the National Housing Act, the discounting of a spouse's income when extending mortgage credit.

Now, for the first time, the major federal financial regulatory agencies are expressly enlisted in the war on credit sex bias. With what impact, it is too early to say. Yet two, with major roles in the mortgage credit field, have begun to test the waters. On December 16, 1974, the Federal Home Loan Bank Board issued Regulations. [37] In the Spring of 1975, the Federal Reserve Board followed with proposed Rules. [38]

FHLBB: FAIR HOUSING AND NATIONAL HOUSING ACTS

Savings and loan associations account for most single mortgage credit in this country. Most associations are "monitored" by the FHLBB. With the passage of the 1974 Housing and Community Development Act, this industry no longer has unlimited discretion in its treatment of the woman at the credit window. FHLBB's Regulations make this abundantly clear.

With a stated purpose of requiring "that every applicant be given an equal opportunity", the Regulations articulate that Federal law is violated where

1. a lender refuses to lend to a woman because of her sex;

2. a lender subjects a woman to higher standards

of credit worthiness;

3. a lender imposes different loan eligibility criteria on women than it does on men;

4. a lender requires a single woman, otherwise credit worthy, to obtain a cosigner or guarantor where a single man similarly situated would not be subject to a multiple signature requirement; or

5. a lender normally discounts all or part of a wife's income.

Other lender practices, although less obviously a violation of the regulations, are frowned upon by the Board and may violate Federal law. These questionable or suspect practices are also identified in the Regulations. They include:

1. lender underwriting standards which "have no economic basis and which are discriminatory in effect";

2. lender practices which discriminate on the basis of age or marital status;

3. lender practices requiring, as a condition for granting a mortgage loan, information relating to birth control practices or childbearing capability;

4. lender practices which consider only the non-overtime income of the primary wage-earner;

5. lenders' application of rigid and arbitrary rules relating to the borrower's prior history. For example, rules which favor applicants who have previously owned homes or disfavor applicants who have frequently changed jobs or residences may constitute rigid and arbitrary rules in violation of the law.

Regarding underwriting standards which have a possible discriminatory effect on women, the Regulations provide:

> Each loan applicant's credit worthiness should be evaluated on an individual basis without reference to presumed characteristics of a group. The use of lending standards which

> have no economic basis and which are discriminatory in effect is a violation of law even in the absence of an actual intent to discriminate. [39]

The Board hedged, however, by indicating that "a genuine business need" *may* justify the standard if the need "cannot be achieved by means which are not discriminatory in effect or less discriminatory in effect".

In this connection it is important that the borrower request and examine the lender's credit scoring system or plan used in connection with processing the loan application. For plans which assign a value to marital status, to possessing a telephone in one's own name, to job title, to neighborhood of borrower, or other facially neutral criteria which may adversely impact on women now violate the Federal Fair Housing Act.

FEDERAL RESERVE BOARD: EQUAL CREDIT OPPORTUNITY ACT

On April 22, 1975, the Federal Reserve Board issued proposed regulations which would serve as a basis for enforcing the Equal Credit Opportunity Act which becomes effective on October 28, 1975. These regulations prohibit credit discrimination based on sex *or* marital status in both mortgage and consumer credit transactions. [40]

They contain many important provisions. Among them are requirements that:

1. a creditor provide a clear and meaningful written statement of reasons for the denial of credit *if* the applicant requests such a statement;
2. creditors maintain records relating to their lending operations for a 2-year period to facilitate monitoring and enforcement;
3. lenders assign *no* value to sex or marital status in their credit scoring plans, and
4. lenders consider the "prior family account" when a newly divorced or widowed person seeks credit.

Women who believe there has been credit discrimination based on sex or marital status and wish to explore their litigation options and other relief under the Federal

Equal Credit Opportunity Act, should consult a lawyer. They may also wish to bring the matter to the attention of the Federal Reserve System for such administrative enforcement as its Board of Governors authorizes. Inquiries should be sent to:

Secretary, Board of Governors
Federal Reserve System
Washington, D.C. 20551

The statute authorizes an "aggrieved individual" to bring a lawsuit in any United States District Court or other court of competent jurisdiction to enforce her rights which the statute creates. Suit must be brought within one year of the violation. In this lawsuit, a woman may seek:

1. preventive relief, such as an injunction;
2. actual damages;
3. punitive damages "in an amount not greater than $10,000", and
4. reasonable attorney's fees.

A woman discriminated against in a state, e.g., New York, with its own remedies for credit discrimination is required by the Federal Equal Credit Opportunity Act to choose between her federal and state remedies.

The Board's proposed requirement that lenders furnish, upon request, a written statement of the reasons for denying a mortgage (or other) loan is a major step toward meeting one of the problems identified by several of the witnesses during the study.

As a lawyer representing a borrower in a sex discrimination case involving mortgage credit told the Panel in New York:

> The problem is that there are no standards. Some little man at your local bank says, "Oh, of course we want to give you a mortgage, and we'd love to give out mortgages, and that's what we're in business for". And he takes your application and you go home thinking you're going to have this house, and it goes to some people at the downtown Wall Street office, and it goes upstairs and that's the end of it. Nobody knows what happens; nobody knows what the criteria are ... [41]

Industry spokesmen told the Panels that subjective appraisal plays a major role in the lender's decision-making.

> Q. [Panelist] It has been described to me by people in the ... savings and loan industry that a percentage of the decision-making on a loan relates to hard criteria and an equally ... large percentage relates to a person's experience and almost subjective appraisal of the individual applying.
>
> A. [Witness] I think that's generally the practice. [42]

The difficulty, in the past, of establishing "why" and "how" the lender processes worked has doubtless contributed to the paucity of cases under fair housing statutes against lenders. The Federal Reserve Board proposed Regulations may open these processes, at last, to some sunshine.

Know the Law: Additional Remedies

Option 5

The preceding pages in this chapter describe the recently assembled mosaic of *statutory* remedies which may assist the woman victim of sex discrimination in some sphere of her search for shelter. Her lawyer, however, may wish to buttress, in appropriate cases, the rationale of the litigation with *constitutional* arguments.

> Many people believe that sex discrimination can be successfully challenged through litigation under the Fourteenth Amendment guarantee that no state shall "deny to any person within its jurisdiction the equal protection of the laws". [43]

The employment of constitutional litigation to secure equal treatment of women under the law has gained momentum in the Seventies. Recent Supreme Court cases such as Reed v. Reed [44] and Frontiero v. Richardson [45] represent successful constitutional challenges to state action which metes out differential treatment to men and women. A divided Court has moved toward according sex, as it accords race, the status of a fundamentally "suspect classification".

> Apellants [female members of the uniformed services] contend that classifications based upon sex, like classifications based upon race, alienage, and national origin, are inherently suspect and must therefore be subjected to close judicial

> scrutiny. We agree ... [46]

None of these cases, however, involve sex discrimination in housing.

A pending housing case in New York does pose the constitutional issues. Two couples brought a class action in Hoberman v. Manufacturers Hanover Trust Co., in the federal court for the Southern District of New York in 1973. They allege that a mortgage lender's practice of disregarding or discounting the income of the working wives violated the Equal Protection and Due Process clauses of the Fifth and Fourteenth Amendments to the U.S. Constitution. [47] The Hoberman case is still pending. Since the parties apparently are attempting to negotiate a settlement, it is unlikely this case will result in a judicial opinion on the constitutional issues the litigation poses.

Counsel for plaintiffs, Janice Goodman, testified at the New York Hearing. She told the Panel that the defendant bank had changed its income discounting policy following the passage of new legislation forbidding sex discrimination in lending. However, it also lowered from 25 percent to 22 percent the percentage of total family income which the monthly mortgage payment could represent -- accomplishing thereby a certain "discounting" by another route. [48]

A prospective feature of the Federal Constitution which could help women victims of mortgage credit discrimination is the proposed Equal Rights Amendment. It provides, in part, that

> Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex. [49]

Thirty-four (34) of the required thirty-eight (38) States have ratified the proposed Amendment, though not without heated debate over its merits and purposes. Its potential impact for removing inequities women face at the hands of the housing market is problematical in view of the fact that ERA only applies to "state action". However, its ratification could accelerate the process of nullifying vestigial inequities in state laws relating to domicile, property and family laws.

STATE ERAs

At least eleven States have passed Equal Rights Amendments to their constitutions. [50] Lower court cases are just surfacing which interpret their scope. Their implementation, therefore, does not offer much guidance for use in ending sex-based discrimination in the housing sector. As with the proposed federal ERA, these amendments could have, however, a substantial impact in dislodging sexism in community property, domicile and other laws.

* * * *

There are various roads to the reform of institutions and the underlying attitudes, values and assumptions of those who shape their behavior. One such road, certainly, is to look to the Law -- to add new statutes which "regulate" the conduct which creates or perpetuates the perceived inequities, or to remove existing legislation which supports them.

In the field of sex-based discrimination in housing, we now have broad congressional mandates for regulating housing and credit industry behavior which discriminates against women. From making laws, we can now turn to making them work.

To this end we recommend that HUD, pursuant to section 808(d) of the Federal Fair Housing Act, *(a) at the National level, invite appropriate federal agencies to participate on a senior level Interagency Working Committee to facilitate the adoption and to monitor the implementation of agency efforts to eliminate sex bias in the nation's housing markets, and (b) at the regional level, urge the establishment of an ad hoc Committee of the Federal Executive Board to examine in the light of the Federal Fair Housing Act, the Equal Credit Opportunity Act, and sections 109 and 808 of the Housing and Community Development Act of 1974 "housing-related" federal programs and to make recommendations with respect to the affirmative administration of said programs.*

Notes for Chapter 5

1. J. Stanley Pottinger, former Assistant Attorney General, Civil Rights Division, House of Representatives, Hearings Before Subcommittee on Consumer Affairs of the Committee on Banking and Currency, 93d Cong., 2d Sess., on HR 14856 and HR 14908 (June 20 and 21, 1974) p.35 [Hereafter, House Credit Discrimination Hearings.]

2. Statement by the President of the United States on Federal Policies Relative to Equal Housing Opportunity, June 11, 1971; Reprinted in P-H., Equal Housing Opportunity Reporter, p.5130.

3. Testimony of Gloria E.A. Toote, HUD Assistant Secretary for Equal Opportunity, Atlanta Hearing, 113 (I).

4. U.S. Senate, Hearings before Subcommittee on Housing and Urban Affairs of the Committee on Banking, Housing and Urban Affairs, 93d Cong., 1st Sess., July 27, 1973, p.1228.

5. Apparently HUD views the Act as allowing the victim 180 days from discovery of the discrimination. Testimony of Assistant Secretary Toote, Atlanta Hearing, 113 (I).

6. Assistant Secretary Gloria Toote, Remarks delivered at New York State School of Industrial Relations, Cornell University, Ithaca, New York, October 28, 1974.

7. Kopecky, "Housing: Getting Your Foot in the Door", Ms., May 1975, p.103.

8. The U.S. Commission on Civil Rights estimates that 80 percent of the Nation's housing is covered by the Federal Fair Housing Act. See, U.S. Commission on Civil Rights, The Federal Civil Rights Enforcement Effort -- 1974, vol.II, p.3 at footnote 12. [Hereafter Commission Enforcement Report]

9. Section 813, 42 USC sec. 3613(1970).

10. Testimony of James T. Lynn, Secretary of HUD, before House Subcommittee on HUD Appropriations for FY 1975, 93d Cong., 2d Sess., p.1380.

11. United States v. Youritan Construction Co., 370 F.Supp. 643 (N.D.Cal. 1973). "It would be difficult indeed to prove discrimination in housing without this means of gathering evidence." Hamilton v. Miller, 477 F.2d 908, 909(10th Cir. 1973).

12. United States v. Real Estate Dev. Corp., 347 F.Supp. 776(N.D. Miss. 1972).

13. Smith v. Sol D. Adler Realty Co., 436 F.2d 344(7th Cir. 1970).

14. United States v. Pelzer Realty Co., 484 F.2d 438(5th Cir. 1973), cert. denied, 416 U.S. 936(1974); United States v Real Estate Development Corp., supra., note 12; United States v Youritan Construction Co., supra., note 11.

15. United States v. West Peachtree Tenth Corp., 437 F.2d 221(5th Cir. 1971).

16. Allen v. Gifford, 368 F.Supp. 317(E.D.Va 1973); and cases cited in Zahorian v. Russell Fitt Real Estate Agency, 62 N.J. 399, 301 A 2d 754(1973).

17. Even the moderate income person has been allowed attorney's fees. Sanborn v. Wagner, 354 F.Supp. 291(D.Md 1972); Cf. Newman v Piggie Bank Enterprises Inc., 390 US 400(1968).

18. Commission Enforcement Report, pp.30-49; Note, "Racial Discrimination in the Private Housing Sector: Five Years After", 33 Md. Law Rev. 289, 301-302(1973); Note, "Pioneering Approaches to Confront Sex Bias in Housing", 24 Cleveland State Law Rev. 79, 105(1974).

19. Testimony of Mary Treadwell Barry, Executive Director, Pride, Washington, D.C., Atlanta Hearing, 106 (I).

20. Commission Enforcement Report, p.348.

21. 40 Federal Register 20079, Thursday, May 8, 1975.

22. Alaska Statutes 1962, as amended, Tit.18, Ch.80, sec.18.80.105.

23. Testimony of Eleanor Holmes Norton, New York Hearing, 189, 218-220

24. Batavia Lodge #196, Loyal Order of Moose v. New York State Div. of Human Rights, 35 NY 2d 143, 359 NYS 2d 25(1974).

25. Zahorian v. Russell Fitt Real Estate Agency, cited in note 16, supra.

26. Mass. Commission Against Discrimination v. Franzaroli, 357 Mass. 112, 256 N.E. 2d 311(1970); Washington State Human Rights Commission, Case No. Y-34-74, Conciliation agreement (March 27, 1974) cited in 24 Cleveland State Law Rev. 91.

27. Zamartakis v. Human Relations Commission, 10 Pa. Commonwealth 107, 308 A 2d 612(1973); Ohio Civil Rights Commission v Lysyj, 313 N.E. 2d 3(1974).

28. Margaret J. Gates, "Credit Discrimination Against Women: Causes and Solutions", 27 Vand. Law Rev. 409(April,1974).

29. National Commission on Consumer Finance, Consumer Credit in the United States (1972), reprinted in CCH Installment Credit Guide No. 215(1973).

30. Calif. Civ. Code, Title 2, Part 4, sec. 1812.30.

31. New York Exec. Law, Article 15. sec. 296-a, in P-H. Equal Opportunity in Housing, p.9408.

32. Testimony of Ms. Novak, New York Hearing, 273-274

33. Section 296-a(4)(a) cited supra., note 31.

34. Testimony of Ms. Novak, New York Hearing, 275.

35. Sylvia L. Beckey, Library of Congress, Congressional Research Service, American Law Division, "Women and Credit: Synopsis of Prospective Findings of Study on Available Legal Remedies Against Sex Discrimination in the Granting of Credit and Possible State Statutory Origins of Unequal Treatment Based Primarily on the Credit Applicant's Sex or Marital Status", May 2, 1974, reprinted in House Credit Discrimination Hearings, p.638.

36. See note 28, supra.

37. 39 Federal Register, No. 243, Tuesday, December 17, 1974, p.43618.

38. 40 Federal Register, No.81, Friday, April 25, 1975, p.18183.

39. Section 531.8(b) of Part 531 -- Guidelines Relating to Nondiscrimination in Housing.

40. Cited in note 38, supra.

41. Testimony of Janice Goodman, New York Hearing, 106.

42. St. Louis Hearing, 66.

43. Babcock, Freedman, Norton and Ross, Sex Discrimination and the Law: Causes and Remedies (1975) p.71.

44. 404 U.S. 71(1971).

45. 411 U.S. 677(1973).

46. Justice Brennan for the Court in Frontiero v. Richardson, ibid.,

47. 73 Civ. 3279(S.D.N.Y., filed July 26, 1973).

48. Testimony of Ms. Goodman, New York Hearing, 104-105.

49. Section 1 of Proposed Amendment XXVII, proposed by Congress on March 22, 1972.

50. Babcock, Freedman, Norton and Ross, Sex Discrimination and the Law, cited at note 43, supra., p.184

Chapter 6

MOBILIZING WOMEN
FOR
COLLECTIVE ACTION

> *"... I remember the tremendous shock I felt on learning that you don't solve the housing problem merely by passing a law."*
>
> -- Gunnar Myrdal

There exists a great gap, every lawyer knows, between a *right* and a *remedy*, between a law's promise and a law's performance. Acquiring the right may be a prerequisite to asking for legal relief, but it is far from a guarantee of the latter's enjoyment. Not surprisingly, then, the road of social reform is paved with the disappointments of those who have not heeded history's lesson, who have fought furiously to pass a law only to ignore its administration and enforcement.

If complacency in the wake of legislative victory is generally risky, it is perilous when the new law is one whose purpose is to uproot discrimination. Many question the Law's potency when set to such a task. Then, clearly, the passage of anti-discrimination laws must be seen as simply the "end product of one phase in the institutionalization of equal opportunity".

In this chapter, we turn to the question: after the Law's passage, then what? And what we report here is, essentially, what we learned as a result of bringing together women in five American cities to deal collectively with the "then what?".

* * * *

1. Needed: A Place on the Agenda

Since the publication here in 1953 of the Second Sex, the Women's Movement has illuminated various corners of our national life where discrimination heaps injustices on women. Issues at center stage -- rape, abortion, the ratification of ERA and credit -- have brought women together in protest of their perceived exploitation by a male-valuing and male-dominated society. While some organizations, notably the League of Women Voters and the National Council of Negro Women, have not ignored housing, absent from everyone's agenda has been a linking of sex bias and shelter.

This neglect, to be sure, is explainable. Many social problems press for a place on the public's conscience. Since all cannot be solved at once, the more obvious inequities tend to get treatment first.

Far less apparent than other grievances, sex bias in housing starts out with one strike against it in the competition for attention. Other things collaborate to keep it off-stage. Many white women, even when confronted with blatant bias, find it hard to comprehend. Others see the housing problem as essentially a credit problem: discounting the working wife's income, "the baby letter" and similar offensive lender practices.

For minority women, on the other hand, racism or ethnic bias not sexism is the villain. They eye suspiciously the passage of laws treating women's rights as being meant for the suburban white woman, not them.

Finally, for many women the housing problem is simply one of economics. Women earn less than men, partially because of job discrimination. The housing women can afford is in short supply or in the wrong neighborhoods. Many of these women are left to find a roof in the female ghettoes of the nation's public housing projects.

Little wonder, then, that there is so little information on the extent of housing discrimination against women. As one writer observed earlier this year:

> A survey of the foremost women's research centers reveals that no group has undertaken or formulated immediate plans to approach the problem [of sex discrimination in housing]. 1/

Even legal scholars ignore the area. Two recently published law school casebooks on sex discrimination offer no mention of housing sex discrimination in 3,000 pages of cases and legal materials. [2]

The case for curing this omission is clear and compelling:

- shelter is crucial;
- women don't have equal access to it.

Few would deny the importance of shelter. In the words of former President Nixon in his 1971 Statement on Federal Policies Relative to Equal Housing Opportunity:

IMPORTANCE OF SHELTER

> Of all the services, facilities and other amenities a community provides, few matter more to the individual and his family than the kind of housing he lives in -- and the kind of neighborhood of which that housing is a part. Through the ages, men have fought to defend their homes; they have struggled, and often dared the wilderness, in order to secure better homes.

More than a roof with supporting walls, shelter encompasses the immediate physical environment, and by virtue of its location, determines access to schools, parks, hospitals and jobs.

More than a *product*, it is a *process* reaching deep into the Nation's economic life.

> As a process housing again is more than construction, important as that is. It is also dwelling design, neighborhood layout, materials manufacture and distribution, mortgage finance, city and regional planning, public controls, aids and enterprise through such things as building and housing codes, mortgage insurance, housing and re-development authorities. It also includes maintenance, repair, remodelling, neighborhood services, and neighborhood conservation. [3]

Our findings set forth in earlier chapters describe the reach of sex bias in housing. Its perniciousness, we saw, is two-fold.

WOMAN'S EXCLUSION FROM PRODUCT AND PROCESS

Women are denied equal access to the stock. They are also denied equal participation in the housing process: planning, producing, insuring, financing, maintaining, appraising and distributing shelter. Caught in the vises of male prejudices and institutional sexism, a woman frequently possesses neither free choice in where she lives nor a role in shaping the product she eventually occupies.

* * * *

Given shelter's pivotal role, ending of sex bias in this corner of American life must enjoy a place on Women's Agenda for Liberation.

At hearings and workshops in five American cities, women from diverse backgrounds and interests agreed.

> I believe it's important for us to, again, unlayer the discrimination [in housing] that is faced by women and to see it, indeed, as discrimination that has to be addressed. There is no longer any conceivable reason to suggest a priority on discrimination, that in some way or other we have to decide that race discrimination has a priority over sex discrimination. They are so interrelated ... that we have got to address those questions on two sides of the coin ... There is far less competition in San Francisco among women's groups because we have found it necessary to coalesce to get some changes in our city.
>
> -- San Francisco Hearing

> The Atlanta Chapter of NOW is willing to work with this Commission [ad hoc Women and Housing "commission" established by Project] to solve whatever problems there are in the area of sex discrimination in housing in this city.
>
> -- Atlanta Hearing

2. The Power and Problem of Working Together

It is one thing to agree that a problem deserves solving; it is quite another to agree to work together to solve it. Yet, perceiving the immense value of collective action in overcoming the sense of helplessness we described in Chapter 1, women in fact are working together at the local level.

An example is San Francisco. There we found a history of women's collaboration to redress social problems of special impact on the female sex. Why? They found that it works. A useful illustration was the recent passage of a San Francisco ordinance prohibiting rental discrimination against families with children. The generating force behind this measure, from the beginning, has been a coalition of neighborhood organizations -- many women-based -- who called attention to the problem and helped shape the law's response. A year ago, when the proposed ordinance first came up for Council action, it lost. But that was not the end of the matter. As a result of this Project's hearings in San Francisco in March, the issue received both additional publicity and additional support from women's organizations.

On Monday, June 2, 1975, the measure again came up for Council consideration. It passed.

At the San Francisco Hearing, Edith Witt from the Human Rights Commission had earlier laid down the challenge --

> ... the orientation of your Commission [ad hoc Women and Housing "commission" established by Project] -- if it is to change laws and to change procedures -- to make recommendations to the Mayor or to the head of departments, I think working with community groups, with neighborhood groups would be a good answer to this problem. [4]

Collective action reaches beyond the Women's Movement to involve other interest groups in pressing for common objectives. Examining efforts underway to build a "new coalition", Lucy Komisar observes:

> The bond that is forged by common problems will be strengthened by common action -- something which has already occurred as feminist and minority groups have joined to press for legislation, file court suits, or seek administrative action. [5]

But a coalition of women does not just happen; it must be built, and in the process overcome several major constraints to mobilizing women for collective action.

In the first place, the heterogeneity of women as a class produces predictable inhibitions to sustained cooperation. Consuelo Nieto, for example, has written of the dilemma of the Chicana in the movement for women's rights. [6] And in one city efforts to convene an ad hoc "Commission on Women and Housing" nearly floundered on the problem of getting black and white women together; in another, whites, Latins, and blacks found it difficult to submerge racial and ethnic identity in a common denominator of womanhood. Less divisive, but nevertheless evident, are tensions produced by class and age differences and organizational jealousies.

Secondly, many women are still fettered by the conditioning which discourages organized and open protest as being unfeminine. Women who have assumed activist roles are still seen as violating fundamental principles about a woman's place. As the author of Fascinating Womanhood, in demarcating the acceptable parameters of female protests, admonishes the American woman in 1975 to be content with expressions of childish anger and

> ... [to] stomp her feet, shake her curls and pout... for you do not have a right to express anger when the man has failed in his world of responsibility. [7]

Thirdly, women who are the "likely candidates" for involvement in local reform activities tend to be involved in various other activities competing for their time and energies. Even when they agree "in principle" to the need to combat sex bias in housing, previous commitments, coupled with inertia, place practical limits on their participation in yet another "pressing problem".

Finally, building a broad-based coalition requires resources. While some of the tedious, but essential, jobs -- prodding people over the telephone, writing letters and news releases, compiling data, and other assorted behind-the-scenes arranging and maneuvering -- can be filled from the deep well of woman volunteerism, others cannot. Even with luck, effort and sacrifice, women can rarely marshall the technical help, facilities for workshops and meetings, copying equipment, and other tools often indispensable for large scale group action.

Though these constraints cannot be ignored, they are surmountable. Several things contribute to our optimism.

COMPATIBILITY WITH OTHER GOALS AND REFORM EFFORTS

Expanding housing choice for women on a non-discriminatory basis does not conflict, but rather enhances other efforts with which many women are associated. While 'separation' versus 'integration' arguments often divided the black community on fair housing issues and while religious belief often divided women on abortion questions, we have found no comparable parallels when it comes to closing ranks in the elimination of sex bias in housing. Its compatibility with the fair housing movement is apparent. Other examples of shared goals would include:

- ending employment discrimination against women;
- ending credit discrimination against women;
- overcoming exclusionary zoning practices which fence out multi-family units, especially all of the larger units -- a part of the housing stock for which women form a disproportionate market;
- purging the law of the vestiges of sexism in such areas as domicile, family and property;
- combating discrimination against children by the housing industry;
- ratification of ERA;
- expanded rights and protections for tenants in both public and private housing, and
- creating a State Housing Finance Agency.

When we asked the workshop participants -- four hundred women from scores of organizations -- whether they would join a sustained *local* effort to end sex bias in housing, none indicated that existing organizational affiliations would pose a problem. Demonstrating this, "women and housing" coalitions are operational in all of the five cities except Atlanta. Similar cooperative efforts are possible at the national level. When the National Council of Negro Women invited presidents from national women's organizations to Washington, D.C., to a working conference on housing and on hunger, women from more than a hundred organizations representing a constituency of sixty million attended. While issues can and do divide women, as the ratification of ERA did several years ago, there is mounting evidence of a willingness to find in woman- or sisterhood a common ground for collective action.

Coalition building can extend beyond women's organizations to other interest groups. Women account for more than 52 percent of the American population. When they join with others, a significant political force results, as labor and minority groups are learning.

> The Women's Movement offers the hope of establishing a majority coalition devoted to civil rights and social welfare legislation out of self-interest. It is only women who can make that coalition a majority one ...
>
> Feminists committed to the cause of race equality used to find few minority leaders interested in the cause of women's rights. That has changed in the past few years to some extent ...
>
> Similarly, the AFL-CIO's opposition to the Equal Rights Amendment created ill feeling between feminists and labor representatives ... However, last October the AFL-CIO Convention voted unanimously to reverse its stand and endorse the ERA ... The labor movement's commitment to women increasingly will be one that redounds to its own benefit ... [8]

Coalitions in local communities will require leaders and tools with which they can forge cooperative action from groups and individuals with diverse purposes and experiences. We found no shortage of women leadership in the cities in which we worked. Nor is there a lack of proven tools with which to work.

ROLE OF WORKSHOPS

One tool is the Workshop.

In the process of converting individual and localized small group experiences into city-wide or larger constituencies, workshops can be used to achieve several things. Orchestrating in accordian fashion plenary sessions and small discussion groups, the workshop can (1) allow the dissemination of information "about the problem" and what, if any, is being done about it, (2) offer experiential training in basic communication and problem-solving skills, (3) identify possible solutions, (4) establish a level of trust and allow open lines of communication, and (5) lay plans for follow-up ACTION. Outside facilitators can be used to enrich and critique the process for coalition leadership.

This was the format used in the Project's Workshops in the five cities. Each workshop involved approximately seventy women from a variety of age, economic, racial and ethnic and organizational backgrounds. Based on participant feedback, the workshops were effective in helping create out of disparate individuals and groups an alliance for the specific purpose of dealing with sex bias in housing. In the words of some of the participants:

> The workshops confirmed my belief that women must unite and continue to pursue their efforts to achieve the status that is rightfully theirs.
>
> --New York Workshop participant

> It brought together diverse groups, without "political" vibrations in terms of organizations' hangups interfering with the smooth flow of discussing the issue at hand.
>
> -- St. Louis Workshop participant

> The workshop is a jumping-off point. We now each know about fifty other people who have a commitment to this problem. This diverse a group would never have gotten itself together without outside help.
>
> -- St. Louis Workshop participant

> It represented a new spirit of togetherness among women in this City. Because of the emphasis on communication, we can begin to break down the jealous barriers between organizations and bring women together (white and black; city and suburbs) around this important issue.
>
> -- St. Louis Workshop participant

> A dynamic workshop ... provided an opportunity for local women to become more aware of the issues and to interact together to solve this problem.
>
> -- Atlanta Workshop participant

> Well planned ... not only uncovered some subtle forms of discrimination but produced a new hope and optimism that women working together could correct some inequities and accomplish much.
>
> -- Atlanta Workshop participant

> The workshop offered tools and techniques for use in coalescing.
>
> -- San Antonio Workshop participant

> We shared ideas ... became more aware of what can be done through a coalition ... others are working toward the same goals.
>
> -- San Antonio Workshop participant

> I thought this workshop was very successful in getting women together on this issue.
>
> -- San Francisco Workshop participant

Jane Galvin-Lewis, who acted as local convenor of the New York City *ad hoc* Commission on Women and Housing, reported following the Hearing and Workshop:

> The workshops were attended by seventy people, and those who participated found them interesting and helpful ... Given the fact that New York City is a difficult place to capture the attention of people with the host of controversial issues which we are concerned with here, the success of the Hearing and Workshops in New York City is doubly exciting.

In *Law and Equal Opportunity* Leon Mayhew, a University of Michigan sociologist, concluded:

> ... Where groups organize to create moral pressure, to transform moral pressure into binding legal demands, and to support and contribute to the enforcement process, the community can come to have moral and political leverage on established interests. The consequent change may not be sudden, dramatic, and complete, but it is nonetheless real. [9]

From these Workshops have come commitments to "support and contribute to the enforcement process", not a specific program of action. Reaching a consensus on a battle plan, that is the next step.

3. Toward a Plan That Works

There is no simple or single recipe for successful local action in the elimination of sex bias in housing. The solution, like the problem, has many facets. What works in Cincinnati, may have minimum impact in San Diego or Cleveland. Only the process of trial and error -- planning, organizing, implementing and evaluating -- may yield, ultimately, a "model" strategy backed by well planned citizen intervention.

Experimentation, however, need not be helter-skelter. Others have travelled similar roads before. Moreover, the problem, as outlined in the previous chapters, establishes certain parameters for action. There is plenty to be done, and the four-point Plan we suggest here is but a starting place to avoid "bogging down before digging in".

"It's obvious to me", a San Francisco housing consultant warned the Panel, "that few women do, indeed, understand the extent of discrimination against them in the housing market."

RAISING WOMEN'S LEVEL OF AWARENESS

Yet the law's responses (described in Chapter 5) to sex bias require that women be a part of the solution. Without 'women pressure', either as individual complainants or as participants in local citizen intervention, the new laws will be but "ringing declarations coupled with flabby enforcement".

Yet few women, we found, know there is a problem.

> Over a period of a year and a half we received twelve calls [about sex discrimination], that doesn't sound like many, but I think there are many reasons for that ... Some women don't even recognize it as discrimination.
>
> -- NOW representative in St. Louis

> If FEPC [the California Fair Housing Enforcement Agency] would mount an informational program concerning the law, then, I think women would know what their rights were, and even at this time, if we could have a summary of what women's rights consist of, I think that you would enable women to know at least the resources they do have.
>
> -- San Francisco FEPC official

As a representative from an Atlanta Civil Rights organization told the Panel in that city:

> Before you get public acceptance you've got to get a public awareness of the problem ... We've got to go at it by a public educational effort of some kind.

If you don't know there is a *problem*, you are even less likely to know there is a *remedy* for it.

> I do not think that the new law has been publicized enough to the extent that women are aware of these laws. Not only of the Federal law but the Texas law. Women all over do not seem to be aware that a statute exists now to protect their equal rights.
>
> -- San Antonio attorney

> The women of Missouri don't really know that they are in complaint-posture on the matter of housing and shelter rights. So the absence of your complaints, I think, is rooted in that basic fact.
>
> -- Witness at St. Louis Hearing

> I definitely think there is a need for education ... [One] reason is that women don't know where to go with their complaint.
>
> -- Witness at St. Louis Hearing

> Many of the laws [anti-discrimination statutes] are new, and I do not think there has been much publicity. I don't think women know their rights. I think that is a problem; we have to consider that women are not aware of the fact that they have more rights than they had in the past.
>
> -- San Francisco attorney

> If the bill [amendments to Title VIII] is to truly be effective, it must be accompanied by an educational effort informing women of their options under the law, the handicaps they are likely to face and sometimes the subtle ways in which they may be discriminated against.
>
> -- Witness at Atlanta Hearing

This widespread "lack of awareness" leads some women to view overcoming it the Number 1 priority. As a witness from an Atlanta organization active in assisting women in that City replied to a Panelist question:

> Q. If [you] were to concentrate all of [your] energy and resources on any one area to meet the problems you have described, where would you start cutting away?
>
> A. I think the first area would be public information. I think the law has very little use unless the public is aware of it, and that is the most important area to begin, to let people know that the laws do exist and that there is something they can do to prevent this discrimination against them. [10]

We recommend that HUD *prepare and arrange for the distribution, through coalitions of women's organizations and others, of a Handbook on Women's Rights in Housing, which Handbook*

- *(a) shall summarize the problems women face in acquiring shelter on a non-discriminatory basis, and*
- *(b) shall describe the rights and remedies available under federal, state and local laws relating to equal housing opportunities for women.*

INCREASING THE COSTS OF NON-COMPLIANCE

One way to end sex bias in housing is to place a "tariff" or "cost" on discrimination. Since laws forbidding sex discrimination in housing do not levy a very high "tariff", that is, neither jail sentences nor fines are imposed on violators, the costs which are authorized by the laws must fully be assessed and others found to build additional dis-incentives to non-compliance.

What are the law's "costs"? Primarily, they are the victim's rewards from successful private litigation: compensatory and punitive damages, lawyer fees and court costs. (Damages may also be collected as a result of the pursuit of Administrative remedies under Federal and State laws.) Affirmative relief, whether in a private action or as a result of a U. S. Department of Justice suit, may also demand expenditures by a violator.

Since these costs are primarily the outcome of litigation, they are likely to be optimized where victims have access to attorneys familiar with laws, procedures and evidentiary requirements in this field. To facilitate this, a coalition could help establish a "legal referral service" and, with HUD's assistance, arrange for the lawyers' thorough briefing on existing remedies and precedents from both fair housing and equal employment opportunity litigation. Information on two active legal programs may be secured from:

Leadership Council for Metropolitan
Open Communities
407 South Dearborn
Chicago, Illinois 60605

Midpeninsula Citizens for Fair Housing
457 Kingsley Avenue
Palo Alto, California 94306

There are other "costs" which might be levied on those who discriminate. Brokers and salesmen, in some states, can lose their licenses or receive other disciplinary action for violating federal or state fair housing laws. Lenders may jeopardize their charters or lose other benefits from governmental regulation by federal or state financial regulatory agencies. Developers may be suspended from participation in HUD or Veterans Administration insurance, guarantee or other assistance programs. Consumer boycotts or picketing, in appropriate cases of egregious misconduct, could also prove costly to the violator.

This list could be expanded, and groups interested in seeking the full implementation of the laws undoubtedly will.

The key point, however, remains: information about discrimination has a multiplicity of legitimate uses in increasing the "costs" of denying women equal housing opportunities. When "costs" are successfully imposed, there is usually strategic value in its publicity to assure that the industry gets the message: violation of this law doesn't pay.

Federal and state civil rights enforcement programs traditionally have had to do their jobs with "nickel and dime" appropriations. Fair housing, never able to attract the monumental complaint backlog which budget officers see as the critical barometer of need, has been especially undernourished. And some have concluded that what resources have been available to government agencies have not been wisely used. [11]

KEEPING AN EYE ON GOVERNMENT

There is no sure-fire antidote to flabby administration of civil rights legislation. Vigilant *monitoring* by the law's "beneficiaries" -- or someone acting as their surrogates -- is one useful medicine.

To monitor, as defined in an excellent League of Women Voters handbook What Ever Happened to Open Housing?, means "to scrutinize or check systematically with a view to collecting certain specified categories of data". The data is used in a variety of ways to

> ... ensure enforcement of housing laws on the books and publicize flaws in the laws as now written and administered. [12]

Monitoring is a big, yet vital, job. Legal remedies are new, relatively complex and shared by a plethora of federal, state and local agencies. The Monitoring Organization, moreover, will not wish to confine itself to agency complaint processing. Its surveillance should include the implementation of agency *regulations* such as:

1. Regulations and Guidelines of Federal and State Financial Regulatory Agencies
2. Fair Housing Poster Regulations
3. Agencies' Collection and Use of Racial and Ethnic Data
4. HUD's Procedures for Referring Fair Housing Complaints to State Agencies.
5. Affirmative Marketing Regulations
6. Advertising Guidelines
7. Equal Opportunity in OFF-Base Housing Program of the U.S. Department of Defense

8. Regulations (when issued) under Section 527 of the National Housing Act as amended by Section 808 of the Housing and Community Development Act of 1974

9. Pertinent Regulations of State or Local Fair Housing Agency, or State Housing Finance Agency.

10. Procedures for Assuring Availability of Housing on a Non-discriminatory Basis for Low- and Moderate-Income Employees of New and Relocating Federal Facilities. [13]

Most of the foregoing regulatory standards and procedures have grown out of government's administration of laws prohibiting discrimination on account of race, color or national origin. Most, we assume, will be made applicable to sex discrimination. Monitoring of their administration, however, may reveal the need to tailor or augment them in response to the distinct pathology of sex bias.

Of special concern to women will be the agencies' implementation of the law's requirement that housing-related programs be administered in a manner which affirmatively carries out the purposes of the Fair Housing Act as it applies to sex bias. The most significant progress in expanding housing choice for women can come from the wise and vigorous implementation of this requirement. Writing about affirmative action and race discrimination, the League of Women Voters reports:

> The number of groups monitoring the implementation of fair housing laws is growing -- and the results have been eye-openers. In one case, a metropolitan-wide housing coalition which was monitoring affirmative marketing regulations found that the HUD area office had failed to convince developers in the area that affirmative marketing was more than a paper exercise. Some developers were skipping the monthly filing of occupancy reports. HUD had allowed one developer to list the local public housing authority as a community contact, even though his homes were in the higher price brackets. Advertising for subdivision developments was termed mostly "lousy" by the HUD equal opportunity director himself, when he was interviewed by a monitor. The monitoring project was not just a paper exercise, however. Steady pressure on HUD over the uncooperative stance of one developer led the HUD area office to recommend a compliance review. [14]

The passage in 1974 of Title I of the Housing and Community Development Act has created an additional, if uncharted, intervention point.

Implementing the concept of "new federalism", the 1974 Housing Act places major responsibilities on local communities to plan and carry out the expenditure of $8.4 billion on community development activities over the next three years. While discrimination on the basis of sex is prohibited, there are few guarantees that local communities will employ these monies free of sexist practices or in ways which expand housing choice for women. To reduce such risks, a local coalition will wish to explore tactics for influencing local planning, decision-making and implementation of the housing plans and other programs funded under Title I. In this regard, HUD can assist womens' coalitions in developing effective tactics.

HUD assistance might include convening a workshop of representatives from women's organizations, similar to HUD's National Fair Housing Conference in Washington, D.C., April 29-30, 1975, to explore ways in which women can most skillfully use this intervention point. In the interim, women's organizations may wish to draw ideas from the sources listed in Appendix K.

From the foregoing it is apparent that "monitoring" is a flexible tool, its scale and complexity to be fashioned by local circumstances and resources. As the League concluded, in the Handbook from which we quoted earlier:

> You, too, can conduct a monitoring project that will produce results: compliance with law ... so that the 70s will be a decade not of retrenchment but of justice realized. [15]

REACHING OUT FOR OTHER ALLIES: Public Schools and the Private Media

Any plan for the elimination of sex bias in housing must address the belief which persists in many quarters that women are inferior to men. It is the product of overlaying biological facts with cultural criteria of behavior, roles, appropriate jobs, character traits and styles of thinking. And it is reinforced by institutions no less powerful than school systems and the public media. Summing up the situation in history texts, Janice Trecker writes:

> The treatment of women simply reflects the attitudes and prejudices of society. Male activities in our society are consi-

> dered important; therefore male activities are given primacy in the texts. There is a definite image of woman in our society, and women in history who conform to this image are more apt to be included. [16]

Many others have illuminated "the insidious manner through which sex roles are imposed during the educational process".[17] What educators and school book writers start, TV producers and script writers finish. Thus, media's persistent failure to include women in a variety of roles distorts reality, while reinforcing the reader's or viewer's sex-biased concepts.

As William Blakey observed:

> Stereotypical images in movies, in books, in the news and entertainment media ... deny minorities and women pride and the will to change. The use of these stereotypes -- from the ancient image of the shuffling, absent-minded servant to the contemporary 'I'm Cheryl, Fly Me' -- have denied minority groups and women a positive self-image ... With the great influence of visual perception on the human mind, nothing could be more critical than including males and females of all races and nationalities in various roles on television.... Strides are being made with regard to minorities, but not with regard to women. All too many negative images of women still appear on television, particularly in advertising. [18]

Others have called our attention to the influential role of the media. Whitney Young, the late executive director of the National Urban League once said:

> *Broadcasters hold the key to civil rights ... You are the molders of public opinion, (the) decision makers, the style setters. When you decide that racism, discrimination and bigotry are wrong, then we will have peace and order in our cities.*
>
> *-- Whitney M. Young, Jr., March 31, 1969*

Turning around school systems and the nation's media is heavy work. But it is a challenge from which American women cannot cringe. Some have already taken up the cudgel, promoting the passage in California of legislation which provides:

> No textbook, or other instructional materials shall be adopted ... which contain any matter reflecting adversely upon persons because of their ... sex ...
>
> Instruction in social sciences shall include ... the role and contribution of women to the economic, political and social development of California and the United States of America, with particular emphasis on portraying the roles of these groups in contemporary society. [19]

Working with others, coalitions of womens' organizations can prod, and assist in a variety of ways, public school officials, textbook publishers, TV producers, and other media officials to take affirmative steps to end the sex role stereotyping -- of women as well as men. For our daily diet of sexual socialization produces, we are warned, the loss of self-esteem reflected in this elementary school girl's letter:

> Dear God,
>
> Are boys better than girls? I know you are one, but please try to be fair.
>
> Love,
> Sylvia [20]

This "daily diet" also contributes to the institutionalized practices of housing gatekeepers -- landlords, developers and lenders -- which see women not as individuals but as statistical abstractions.

* * * *

These are but options in a local strategy which coalitions of women and women's organizations can pursue in attacking sex bias in the nation's housing markets. They by no means exhaust the list of possible tactics. Other activities -- public interest litigation or publicized confrontations -- could easily head a strong agenda. In Appendix L we have identified several organizations which may offer additional suggestions and helpful guidelines.

The whole point is to get going and to keep going, mobilizing a coalition of women and men of goodwill which industry and elected officials dare not ignore.

4. Feminism, Shelter and the Role of HUD

Women are HUD's forgotten constituency.

HUD's second oldest program, Low Rent Public Housing, is a female ghetto. And women represent a disproportionate share of the program clientele of HUD's other forms of housing assistance.

Yet women, historically, have not filled key positions within HUD's top echelon, nor have women's organizations shared the inner circle of interest groups which persistently and systematically help shape Federal housing policies and budget proposals. This coveted circle is the preserve of male-dominated law firms, trade associations and corporations. In the current Directory of Major Housing and Development Organizations in the Bureau of National Affairs Housing Development Reporter there are fifty-six organizations whose principal officers move in and out of the inner circle. Of those officers identified in the Directory, none are women. Indeed the BNA Reporter's forty-seven-member Advisory Board has only two, and a directory of the top echelon of 104 HUD officials in its Central Office lists but four women.

HUD can begin to change this. Indeed it is HUD's vested interest to do so, for it needs a new constituency. Its beleaguered housing programs from earlier eras largely shelved, new programs in disrepute in some quarters before they become operational, and special revenue sharing still a major question mark -- HUD should invite women to the "inner circle" where their participation may add new intellectual ferment at the top and political support at the grass-roots.

From conversations with many women and women's organizations during this Project, we believe women will accept the invitation. Since New Federalism has moved important decision-making to the local communities, women should be encouraged to participate in the local governmental processes.

HUD, by providing information, by eliciting systematic participation in policy development and by strategic funding of appropriate projects, can help assure that women's new role will be underpinned by skill and understanding as much as it is by commitment.

We, therefore, recommend that HUD *encourage and support activities by women's organizations and other concerned groups to expand, at the local level, equal housing opportunities for women. Appropriate activities for support on a pilot basis might include --*

- *local monitoring of public agency enforcement and affirmative action programs;*
- *litigation efforts to achieve compliance with federal, state and local laws, and*
- *workshops for licensing bodies, public school officials, trade associations, elected and appointed women officials, consumers' organizations and other strategically-placed groups. The purpose of these workshops would be to raise the participants' awareness level regarding the problems women face as housing consumers and to elicit their cooperation in efforts to eliminate sexism in institutions which contribute to these problems.*

Finally, on the National level, we strongly recommend that the Secretary of HUD *reconvene the Presidents of the National Women's Organizations, who met to launch the Women and Housing Project in Washington, D. C. on September 14, 1974, to a National Briefing.*

(1) to review the findings and recommendations of this Project;

(2) to describe HUD's program for carrying out its responsibilities under Federal laws as they relate to eliminating sex bias in housing and to women's participation in the benefits of Title I programs, and

(3) to elicit their support in affirmative efforts at the state and local levels to expand housing choices for women.

We began this Report with the suggestion that *the* problem of women and housing in this country is more than simply one of discrimination in the strict legal sense of disparate treatment by a landlord or broker or mortgage lender.

It is that too.

But more bluntly and basically, it is a problem of woman's historical and continuing exclusion, largely unperceived, from power over the institutions which control the Nation's housing stock and related shelter-services. Its consequences, for women and for men, are not yet fully understood. Some, but hardly all, are identified here.

We end this Report with the recommendation that this exclusion be reversed; that power be shared as the predicate to ending sex bias in housing. But this will not just happen. It will be the result of women working together pursuing political strategies as well as employing appropriate legal and other tactics.

For some women and for some women's organizations, this will require a new self-perception, a rejection of some old assumptions, embracing new allies, and an unfamiliar involvement in social change. For others already in the struggle, this will mean only an expanded agenda.

Yet HUD need not be shy to help this process -- out of self-interest if not out of the conviction that government, too, can work for our common liberation and for justice.

NOTES for Chapter 6

1. Note, "Pioneering Approaches to Confront Sex Bias in Housing" 24 *Cleveland State Law Rev.* 79, 81(1975).

2. Babcock, Freedman, Norton and Ross, *Sex Discrimination and the Law: Causes and Remedies* (Little, Brown and Co., 1975); Davidson, Ginsburg and Kay, *Sex-Based Discrimination* (West, 1974).

3. Mandelker and Montgomery, eds., *Housing in America: Problems and Perspectives* (1973), quoting Coleman Woodbury's definition of housing at p.5.

4. Testimony of Edith Witt, *San Francisco Hearing*, 83.

5. Lucy Komisar, "Where Feminism Will Lead: An Impetus for Social Change", 6 *Civil Rights Digest* (Spring, 1974) pp.2, 8-9.

6. Consuelo Nieto, "Chicanas and the Woman's Rights Movement", 6 *Civil Rights Digest* (Spring 1974) p.36.

7. Helen B. Andelin, *Fascinating Womanhood*, (Bantam, March 1975) pp.294, 297.

8. Komisar, *op. cit.*, pp.8-9.

9. Leon H. Mayhew, *Law and Equal Opportunity: A Study of the Massachusetts Commission Against Discrimination* (1968) p.283.

10. Testimony of Mary Hartman NOW representative, *Atlanta Hearing*, 90-91 (I)

11. U. S. Commission on Civil Rights, *Federal Civil Rights Enforcement Effort, 1970*, pp.445 *et seq.*; U. S. Commission on Civil Rights, *Federal Civil Rights Enforcement Effort*, 1974, vol.II, pp.30 *et seq*; Note, "Racial Discrimination in the Private Sector: Five Years After", 33 *Md. Law Rev.* 288, 301 (1973); Note, "Sex Bias in Housing", 24 *Cleveland State Law Rev.* 79, 105(1975).

12. League of Women Voters Education Fund, *What Ever Happened to Fair Housing*, p.10 This Handbook can be purchased for $1.00 from: League of Women Voters of the United States
    1730 M Street, N. W.
    Washington, D. C. 20036

13. Copies of these 10 Regulations can be secured from the U.S. Department of Housing and Urban Development, Office of Equal Opportunity,451 7th Street, S.W., Washington, D.C. 20410. They are re-printed in Prentice-Hall, Equal Opportunity in Housing, a loose-leaf service prepared by Prentice-Hall, Inc., Englewood Cliffs, New Jersey 07632, in cooperation with HUD.

14. League of Women Voters Education Fund, *supra* Note 12, at 56.

15. *Ibid*., pp.56, 59.

16. Janice Law Trecker, "Women in United States History High School Textbooks", *Social Education* 249, 260(March, 1971) quoted in Margaret Budd and Myrra Lee, *A Guide for Teaching About Women in History* (San Diego City Schools, 1974) p.2.

17. Many of the references are cited in Tanya Neiman, "Teaching Woman Her Place: The Role of Public Education in the Development of Sex Roles", 24 *Hastings Law Rev*. 1191(1973).

18. William A. Blakey, "Everybody Makes the Revolution: Some Thoughts on Racism and Sexism", 6 *Civil Rights Digest* (Spring,1974) pp.11, 12-13.

19. Quoted in Budd and Lee, cited in Note 16, at p.iii.

20. E. Marshall and A. Sheriffs, *Children's Letters to God* (1966), quoted in Neiman, cited in Note 17, p.1191.

Appendix A

HOW WE CONDUCTED THE PROJECT

The Women and Housing Project was carried out under an agreement between the National Council of Negro Women, Inc., and the U. S. Department of Housing and Urban Development. The contract period was one year: July 1, 1974, to June 30, 1975.

The Women and Housing Project had two objectives. The first, as stated in the contract schedule to H-3734, was

> "... to obtain a solid reference work on discrimination of women in the housing market. This data is to be used by HUD's E.O. staff, the courts and all other persons involved in expanding fair housing and educating the public to the effects of discrimination."

Equally important, the Project sought to encourage, at the local level, a continuing private sector thrust directed at eliminating discrimination based on sex in five major metropolitan areas - Atlanta, St. Louis, San Antonio, San Francisco and New York City.

To accomplish these goals, the Project Design called for:

(1) Establishing an ad hoc Commission on Women and Housing to provide the nucleus of a new constituency at the local level whose goal is to expand housing opportunities under the Federal law prohibiting sex discrimination.

(2) Carrying out local field research to identify the "issues" for public hearing focus and to develop a background demographic profile on each city.

(3) Conducting a local public Hearing in each city to probe the nature and extent of sex discrimination in the housing market.

(4) Conducting a post-Hearing Workshop to increase the public awareness as to sex discrimination in housing and to stimulate a local effort toward doing something about it.

(1) Ad Hoc Commissions

To encourage, at the local level, a continuing private sector effort toward eliminating discrimination based on sex, we conducted various activities to increase the public awareness of the nature and extent of discrimination against women and what might be done about it.

The first activity [1]. and perhaps the most important of these, was the establishment by the Contractor of a local "commission". To assist in convening local commissions, presidents from approximately 100 national organizations for women [2], were invited to Washington, D.C. for a Project briefing on September 14, 1974. The First Lady, Ms. Betty Ford, addressed the conference. Dr. Gloria E.A. Toote, former Assistant Secretary, Office of Equal Opportunity, Department of Housing and Urban Development, also spoke, relating the extent of the Federal government's commitment to equal opportunity for women and the need for a private/public cooperative effort to end discriminatory housing markets. The national organizations' presidents were requested to designate representatives for participation in the Project at the local level.

The "commission", as the voice of women in the local community, served several purposes, viz.,

- it was a vehicle for securing and disseminating information;

---

[1] The other two activities were the implementation of a planned publicity strategy in connection with the Public Hearing and the 2-day Workshop which followed the Hearing.

[2] See Appendix D for a partial list of the organizations invited to participate in the National Presidents' Meeting.

- it provided a forum for individual citizens and organizational representatives from a broad range of groups to be heard and thereby open channels of communication between persons with common problems and concerns;
- it provided a mechanism for local citizens and groups to help plan and carry out the Project in their area, and
- it offered the nucleus of a continuing local effort pressing for the elimination of sex discrimination.

Through the local efforts of local convenors [see Appendix C] we established an ad hoc "commission" in each of the five cities. The duties of the "commissioners" were:

(1) to become aware of the issues related to discrimination against women in housing as developed at the Hearing; and to transmit such knowledge and proposed action, as developed in the Workshops, to their respective organizations and their community;

(2) to attend three meetings prior to and one following the Hearing and Workshop; a Briefing meeting prior to the Hearing; the Hearing and two-day Workshop; and one evaluation meeting following the Workshop;

(3) to help select 75 Workshop participants to review the problems as stated in the Hearing, and to develop action elements related to them for each community;

(4) to submit an evaluation report on the Project, and

(5) to assist with publicity in each city.

The "commissions", representing a broad spectrum of individuals and organizations, functioned substantially as envisioned throughout the period of Project activities. Their meetings ran from October 20, 1974 in Atlanta to April 21, 1975 in New York City. "Commissioners" were present at a pre-Hearing Briefing in each City and primarily from their ranks came those who participated in the Workshops following each Hearing.

(2) Background Research and Preparation of Bibliography

To help identify local issues and to gather legal materials relative to women's rights in areas relating to housing, a Study Team under the direction of Ms. Dovey Roundtree, general counsel for the National Council of Negro Women (NCNW), (a) conducted a literature search and (b) engaged local counsel to provide analyses of state remedies for sex bias in housing.

The chief product of this aspect of the Project is the Bibliography set out as Appendix M.

(3) Public Hearings

In each of the five cities, we conducted a Public Hearing on sex discrimination in housing. This Hearing was the culmination of a detailed Hearing Work Schedule which began with a preliminary site visit by the Hearing Team under the direction of Mr. Roy Littlejohn of Roy Littlejohn and Associates of Washington, D. C.

During the course of the Hearings, select Panels of out-of-state men and women heard from more than 140 witnesses. [See Appendix F] Many of the witnesses were themselves victims of sex discrimination. Many were representatives of the housing industry. Others, representing government and interested private organizations, offered background demographic data, opinions, observations and recommendations bearing on the Panels' inquiry. Thus, the witnesses represented a cross-section in each city: industry and consumers; male and female; old and young; black and white; tenants and home owners; single, married and divorced or widowed; lower income as well as middle-class.

In conducting the Hearings, we followed rules generally applicable to deliberations of this nature. Specifically, the following rules applied were:

1. Witnesses were not sworn.
2. Witnesses could make a short prepared statement and would be questioned by counsel and the hearing panel.

3. Documents or other exhibits would be accepted for inclusion in the record.

4. To the maximum extent possible, persons in the audience who wished to testify would be afforded an opportunity to do so following the testimony of all scheduled witnesses. Persons who felt that they had important testimony to give could contact the hearing counsel.

5. The record would remain open for thirty days following the hearings for the receipt of other testimony or documentation.

(4) Workshops

The culminating activity of the Project in each city was the 2-day Workshop. Its major purpose was to encourage the development of a continuing private sector coalition of organizations and individuals to work toward identifying and eliminating sex discrimination in that locality. Hence, it was designed

- to raise the level of consciousness of the participants to sexism in the housing market;
- to seed the concept of coalition building directed against sexism in the housing market, and
- to provide basic information and minimum skills to engage in sustained collective social action.

Many of the participants had attended one or more of the earlier meetings of the *ad hoc* Commissions. Some were present at the Hearings the day before. All however, were briefed on the purpose and design of the Project. A key part of the Workshop strategy was to assuage any fears among the participants that involvement in a coalition would encroach on the sovereignty of their respective organizations.

At the last plenary session of the Workshops, the participants would report their recommendations for local private sector action intended to overcome barriers to women's access to equal housing choice in that housing market. Generally, the recommendations included the need for, and commitment on the part of those present, to the formation of a coalition to develop and implement a local strategy for dealing with the problem. Before adjourning, the assembled participants set a time, place, and date for an initial meeting. They also provided written workshop evaluations which we used in modifications of subsequent segments of this part of the Project.

Nearly 400 persons participated in the five Workshops. Like the witnesses, they represented a heterogeneous cross section of the city in which the workshop was held. And as a result of the Project activities, there are functioning coalitions in each of the five cities except Atlanta.

In commenting on the first Workshop in its self-assessment Report, BLS & Associates wrote:

> "The major strategies of consciousness raising were developed and processed in the small groups by the team facilitators. As indicated in the participants' evaluations, more than 50 percent of the respondents found the small workgroups most helpful, not only as an opportunity to exchange more information, but also where unresolved issues and concerns raised in the plenary session could be pursued.
>
> The workshop team found the irregular and part-time participation of many of their small workgroups unfortunate for maximum learning experiences. It was for this reason that only 36 evaluation reports and demographic data sheets were returned.
>
> It was of interest to note that 99 percent of the returned evaluations reported that the workshop had been helpful as a mechanism for acquainting them with some of the problems of discrimination faced by women in the housing market. All 100 percent reported that they appreciated having an opportunity that allowed them to focus their concerns and test out the validity of certain of their own experiences with discrimination against women in housing and in employemnt."

* * *

Appendix B

WHO CONDUCTED THE PROJECT: NCNW AS PRIME CONTRACTOR

The Women and Housing Project was a "joint venture" of many persons and organizations working as teams (see Appendix C) or "Panels" or "Commissions" to carry out specific functions.

The staff of the National Council of Negro Women, Inc. (NCNW), however, was responsible as prime contractor for overall Project Design and coordination. Dr. Dorothy I. Height, President of NCNW, chaired the five hearings, and Ms. Dorothy Duke served as overall Project Coordinator.

The following pages summarize the background, goals and purposes of NCNW.

THE NATIONAL COUNCIL OF NEGRO WOMEN INC.

> *". . . the great need for uniting the effort of our women kept weighing upon my mind. I could not free myself from the sense of loss—of wasted strength—sustained by the national community through failure to harness the great power of women into a force for constructive action. I could not rest until our women had met this challenge of the times."*
>
> Mary McLeod Bethune

The uniqueness of the National Council of Negro Women is in its combined strength and its communication of ideas and plans to women of diverse interests and backgrounds. Members of NCNW include many races, but we are essentially an organization of Black women. They come from urban and rural communities. They are college and non-college women, business and professional women, church women, fraternal women, homemakers, students.

Since its founding by Mary McLeod Bethune in 1935, the National Council of Negro Women has worked to advance opportunities and the quality of life for and through Black women in every walk of life. Today, NCNW is a coalition of 27 national organizations and over 150 local sections with an outreach to some four million Black women throughout the United States. Specifically stated, it is an organization of organizations. NCNW's leaders range from the sharecropper in Mississippi to the PH.D. in a Washington, D.C. government bureau; from the welfare-parent head of a day-care center, to the young community activist in college. Over the decades, NCNW's programs have developed out of sensitive, informed appraisals of the needs of the nation's Black communities. NCNW maintains an official observer at the United Nations.

The National Council of Negro Women was one of the few national organizations that moved into the South during the Civil Rights movement and stayed. From its program, Wednesdays in Mississippi, NCNW was able to identify pressing community problems and establish a priority listing for problem solution based upon ability to effectuate change in the areas identified.

As a result of this involvement NCNW:

> Established the Okolona Day Care & Child Development Center on the site of the Okolona Junior College, Chickasaw County, Mississippi.

Established Food Production Centers in Sunflower and Bolivar Counties, Mississippi. In Sunflower County alone there are over 2000 pigs resulting from the original pig bank of 50 Yorkshire gilts and 5 Jersey Boars. Community gardens and cooperative canning and freezing programs have been established.

Established the Fannie Lou Hamer Day Care Center, Ruleville, Mississippi.

Assumed partial support for "Liberty House" - a marketing and purchasing cooperative owned by 13 handicraft producing cooperatives located in four counties in rural Mississippi.

It is interesting to note that Mississippians employed by the National Council of Negro Women equals one fourth of the total paid personnel.

The underlying concepts inspire NCNW's many-faceted action programs for Black people in the decade of the 70's: commitment...unity...self-reliance. National affiliate organizations are mounting a new thrust for unity by urging direct involvement of individuals within their memberships. The goal: to mobilize and synchronize the collective strength of Black women in the struggle for justice, equality and opportunity.

NCNW implements its purposes through various projects:

OPERATION COPE - A special demonstration project to serve mothers who are heads of households, who are economically and educationally disadvantaged. Women who lack a high school diploma or equivalency certificate and because of education which is not functional, generally have difficulty coping with life. They need extensive assistance with family living skills, basic education and effective parenthood and citizenship roles. A family learning center has been established at Stanton Dwellings, a public housing project in Southeast Washington, D. C.

Bethune Family Learning Center is being developed at Council House, 1318 Vermont Ave., N. W. This Center will house a program training volunteers, the work of the Advisory Committee, as well as a program with disadvantaged mothers.

Operation Cope is funded by the U. S. Office of Education under the Adult Education Act and should be replicated in cities throughout the United States.

OPERATION SISTERS UNITED (SU) - This program was created by the National Council of Negro Women to provide the judicial system with a rehabilitative detention alternative for juvenile female offenders. The methods utilized are varied and are tailored to fit each individual girl, however, the major focus is on the use of a one-to-one volunteer relationship. The volunteers are recruited largely from the ranks of NCNW and represent a variety of backgrounds, interests, talents and personalities. The volunteers receive intensive training covering all aspects of the program, including guidance in establishing and maintaining helping relationships with the girls in the target group.

The pilot project, initiated in the District of Columbia in December, 1972, has served over 60 girls and their families. This program is currently being expanded to serve an additional 180 girls in three cities, Greenville, Mississippi; St. Thomas, Virgin Islands and Dayton, Ohio.

This project is funded by the Law Enforcement Assistance Administration (LEAA) of the United States Department of Justice.

CENTER FOR CAREER ADVANCEMENT - An experimental after-school program providing career ladders in business and communication skills. Launched in 1970 under a grant from the U. S. Office of Education, the Center is an innovative contribution to the field of continuing education for adults.

In 1974, the Andrew W. Mellon Foundation approved an appropriation to the National Council of Negro Women for the planning of a Center for Educational and Career Advancement for minority women in downtown Manhattan, New York. The overall goal of the Center is to help minority women keep pace with the general advancement of women in jobs and education, through a program that reaches them where they work.

PROJECT HOMES - TURNKEY III - Homeownership for Low Income Families. This program as sponsored by the National Council of Negro Women provided an affirmative and practicable method for a public housing project to be sold to the occupants. It made operational the concept that the homeownership opportunity programs are designed to serve as a management tool to provide incentives for families to maintain their own home and neighborhoods and thereby reduce Federal Subsidies.

HUD records show that as of June 30, 1972, Housing Authorities in 85 municipalities were managing 6,637 Turnkey III homes, had 6,439 homes under construction, and 5,685 units in preconstruction or application stage. These 18,761 units have an estimated cost of $407 million.

The impact of the National Council of Negro Women's efforts to launch and support the Turnkey III homeownership program and concepts has been that Congress has acted to continue the public homeownership opportunity programs including mutual help and Turnkey III housing on Indian Reservations (Section 5(c) of the United States Housing Act of 1937, as amended by Section 201(a) of the Housing and Community Development Act of 1974). The statute provides that the Federal Debt service subsidy can be continued even though title is transferred to the occupant (Section 5(h) of the revised USH Act).

The organization received a grant from the Office of Economic Opportunity for the initial work on the project which was later funded by the Ford Foundation.

WOMEN AND HOUSING - In 1974-1975, five hearings were held in Atlanta, Georgia; St. Louis, Missouri; San Antonio, Texas; San Francisco, California and New York City to research, investigate and document the discrimination practiced against women in their attempts to secure adequate dwellings for their families. The data collected in these hearings will be used by HUD's Equal Opportunity staff, the courts, legislative bodies, institutions and others involved in expanding fair housing for women and educating the public on the effects of discrimination.

The Office of Equal Opportunity of the Department of Housing and Urban Development provided the funds for the operation of this project.

HUNGER - Since 1968, NCNW has been involved in a campaign against hunger and malnutrition beginning in three of the poorest counties in the Nation. In connection with this campaign, NCNW has planned and operated community gardens, pig banks, silk screening factories, day care and family learning centers, and in addition, helped in supporting a marketing and purchasing cooperative. NCNW is coordinating a more sustained organizational effort through a FOOD-FOR-PEOPLE Network. This is coalition of national organizations designed to bring the hunger and food crisis to the attention of the American people.

YOUTH - The Ujaama Center, located in the Bethune Houses in Harlem involves preteen and teenage disadvantaged youth in programs designed to create cultural heritage awareness. Youth are involved in activities of creative writing, the arts and crafts and cultural enrichment of field trips.

HEALTH - In 1974, the National Council of Negro Women, in cooperation with rural residents and health care facilities established the Macon County Health Center in Shorter, Alabama - a densely populated Black community located between Montgomery, Alabama, and Tuskegee Institute, Alabama. The purpose of the Center is to provide diagnostic medical service and referrals to accessible hospitals. The medical facility is with the labor or residents of the county, and financed by the National Council of Negro Women. A Nurses Aide Training Program for community residents recruited and trained 35 women in an eight week training program with the cooperation of Shorter Elementary School and John Andrews Hospital in Tuskegee. Ten certificated nursing aides are presently employed and five have elected to pursue training as licensed practical nurses.

The leadership of NCNW established these national program priorities in line with NCNW's role as a community service organization. Staffed primarily by volunteers in the first 30 years, the organization now employs a number of paid personnel on its administrative and program staff. NCNW maintains a national headquarters office at 1346 Connecticut Ave., N. W. in Washington, D. C. and a field office at 815 - 2nd Ave., in New York City.

The Mary McLeod Bethune Memorial statue was completed and placed in Lincoln Park, Washington, D. C: ,on July 10, 1974. With the National Council of Negro Women's task completed, the U. S. Park Service of the Department of the Interior is now responsible for continual maintenance and upkeep of this "living memorial, which symbolizes in part the Black peoples' contribution to American life."

WOMEN IN COMMUNITY SERVICE - NCNW, in coalition with five other national women's organizations, conducts programs of outreach to young women 16-21 years who have suffered the problems of poverty. WICS Volunteers in local communities are involved in recruiting and screening candidates for women's Job Corps. Volunteers provide programs of orientation to young women selected for enrollment in Job Corps, and support services to Corpswomen returning to the community. Job Corps, after ten years in existence, remains one of the better job-training, potential development programs offered by the U. S. Department of Labor.

COMMISSION ON HIGHER EDUCATION

The Commission on Higher Education is the first special interest group organized by NCNW to address the problems of discrimination based on both sex and race. Since higher education represents the core of leadership and knowledge in this country, it is essential that Black women help shape our educational destiny. A network of Black women in America's colleges and universities work under NCNW's leadership to achieve equal employment opportunity.

Appendix C

WHO CONDUCTED THE PROJECT: PARTICIPATING TEAMS, LOCAL CONVENORS AND STAFF

Dorothy Duke, Project Coordinator
Evelyn Harrison, Consultant
Berdina Williams, Administrative Assistant, NCNW

Hearing Team

Roy Littlejohn, Director
Roy Littlejohn & Associates
Washington, D.C.

Terri Sneider, Associate
Julia Vaughn, Associate
Lloyd Wise, Associate

Workshop Team

Barbara L. Simmons, Director
BLS & Associates
Washington, D.C.

Ruth Switzer Pearl, Associate Director
Lupe Aguiano, Associate
Joyce Chong, Associate
Winnie Doria, Associate
Kenneth Frazier, Associate
Theresa Jones, Associate
Marcia Kallen, Associate
Robert Lett, Associate
James Savage, Associate
Iris Velez, Associate

Study Team

Dovey Roundtree, Director
Roundtree, Hunter and Knox
Washington, D.C.

Barbara Lee Smith, Associate
Howard University School of Law

Harriet Tucker, Local Counsel, Atlanta
Frankie Freeman, Local Counsel, St. Louis
Patricia Vasquez, Local Counsel, San Antonio
Zaide Kirtley, Local Counsel, San Francisco
Emily Goodman, Local Counsel, New York City

Local Convenors of Ad Hoc Commissions

Sujette Fountain Crank, Atlanta
Ina Boon, St. Louis
Lorranie Whittier, San Antonio
Aileen Hernandez, San Francisco
Jane Galvin-Lewis, New York City

Authors of Report

Solomon E. Robinson
Pilka Gupte Robinson
Tallahassee, Florida

Appendix D

NATIONAL PRESIDENTS' MEETING

September 13-15, 1974

- Summary of Meeting
- List of Organizations Represented

The contract to produce this study was awarded by the U.S. Department of Housing and Urban Development in June 1974. Methodology and planning for the hearings and seminars was completed during the summer.

On September 14 and 15, 1974, the National Council of Negro Women convened a weekend meeting of national presidents of 100 women's organizations. The meeting focused on two basic needs of life; shelter and food. Its theme was unity to secure justice, a lifelong concern of the Council's founder, Mary McLeod Bethune. It was held at the headquarters of the National Association of Homebuilders, 15th and M Streets, N.W., Washington, D.C.

The meeting served in part as a public announcement of the plans for conducting the study reported in this document. The design developed to conduct the study called for by the contract with the U.S. Department of Housing and Urban Development was discussed. The purpose of the study was defined as the documentation of information which would produce a reference work on women and housing discrimination.

The program for Saturday, September 14, 1974, was devoted to women and housing. It was highlighted by the appearance of Mrs. Gerald P. Ford, wife of the President of the United States. Mrs. Ford expressed her concern for an increased commitment to the role of women in American life.

Equally important, however, was the decision of the Council to concentrate on the importance of coalition strengthening. This idea of developing coalitions among women's organizations for increasing effective action is a new one as it relates to housing. The establishment of local "commissions" was explored and the assistance of the organizations was solicited. The meeting generated enthusiastic support for this idea and induced the Council to believe even more strongly that the project could both investigate and document discrimination at the same time that it encouraged coalitions of organizations to develop and implement a local strategy for dealing with the problem.

PRESIDENTS OF THE FOLLOWING ORGANIZATIONS INVITED TO ATTEND THE PRESIDENTS' MEETING, SEPTEMBER 14-15, 1974

Alpha Kappa Alpha Sorority, Inc.
Amalgamated Clothing Workers
Amalgamated Meat Cutters and Butcher Workmen
American Advertising Federation, Women's Division
American Association of University Women
American Baptist Women
American Civil Liberties Union, Women's Rights Project
American Nurses Association
American Women in Radio and T V
Business and Professional Women
Center for Women's Policy Study
Chi Eta Phi Sorority
Church Women United
CME Church Women's Missionary Council
Comision Femenil Mexicana Nacional
Delta Sigma Theta Sorority, Inc.
District #1199 Hospital and Drug Workers Union, RWDSU
Eta Phi Beta Sorority
Federation of Organizations for Professional Women
General Federation of Women's Clubs
Grand Temple, Daughters of Elks
Hotel Workers Union
International Ladies Garment Workers Union
Interstate Association of Commissions on the Status of Women
Iota Phi Lambda Sorority
Jack and Jill of America, Inc.
Ladies' Auxiliary of the National Dental Association, Inc.
Lambda Kappa Mu Sorority
Las Amigas, Inc.
League of Women Voters
Mujeres Unidas
National Association of Bank Women
National Association Black Women Attorneys
National Association of Fashion and Accessory Designers
National Association of Social Workers
National Association of Women's Deans and Administrators
National Association of Women Lawyers
National Black Feminist Organization

National Clearing House on Women's Issues
National Committee of Household Employees
National Conference of Puerto Rican Women
National Council of Administrative Women in Education
National Council of Catholic Women
National Council of Jewish Women
National Council of Puerto Rican Volunteers
National Media Women
National Organization for Women
National Sorority of Phi Delta Kappa
National Tenants Organization
National Welfare Rights Organization
National Women's Political Caucus
North American Indian Women's Association
Sigma Gamma Rho Sorority, Inc.
Stewardesses for Women's Rights
Supreme Grand Chapter, Order of Eastern Star
Tau Gamma Delta Sorority
The Continentals Society, Inc.
Unitarian Universalist Women's Federation
United Auto Workers
United Methodist Women
United Presbyterian Women
Women in Communications, Inc.
Women's Auxiliary, National Medical Association
Women's Convention, Auxiliary to the National Baptist Convention, U.S.A., Inc.
Women's Equity Action League
Women's Home and Foreign Missionary Society, AME Zion Church
Women's Lobby, Inc.
Women's Missionary Council, CME Church
Women's Missionary Society, AME Church
Young Women's Christian Association
Zeta Phi Beta Sorority, Inc.

Appendix E

HEARING PANELS

Hearing # 1

Atlanta, Georgia November 8, 1974

Dr. Dorothy I. Height, Chairperson
National Council of Negro Women, Inc.
Washington, D.C.

Ms. Ruth Clusen, National President
League of Women Voters
Green Bay, Wisconsin

Ms. Evelyn Harrison, former Director
U.S. Civil Service Commission
Washington, D.C.

Ms. Aileen Hernandez, Urban affairs consultant
Hernandez and Associates
San Francisco California

Mr. Robert Stokley, Consultant
National Civil Service League
Washington, D.C.

Mr. Robert Tucker, attorney, and adjunct Professor
Northwestern University School of Law
Chicago, Illinois

Ms. Rose Wylie, Chairperson
National Tenants Organization
Philadelphia, Pennsylvania

* * * *

Hearing # 2

St. Louis, Missouri January 10, 1975

Dr. Dorothy I. Height, Chairperson
National Council of Negro Women, Inc.
Washington, D.C.

Ms. Lillian Benbow, National President
Delta Sigma Theta and
Housing Commissioner, Michigan Commission on Civil Rights
Detroit, Michigan

Mr. Irving Kriegsfeld, Housing specialist
The Management Partnership. Inc.,
Washington, D.C.

Ms. Anita Miller, Program Officer
Ford Foundation
New York, New York

Ms. Carroll E. Miller, President
General Federation of Women's Clubs
Washington, D.C.

Mr. Robert Tucker, attorney, and adjunct Professor
Northwestern University School of Law
Chicago, Illinois

* * * *

Hearing # 3

San Antonio, Texas February 7, 1975

Dr. Dorothy I. Height, Chairperson
National Council of Negro Women, Inc.
Washington, D.C.

Mr. Joe Benites, National President
League of United Latin American Citizens
Phoenix, Arizona

Ms. Ruth Clusen, National President
League of Women Voters
Green Bay, Wisconsin

Ms. Aileen Hernandez, Urban affairs consultant
Hernandez and Associates
San Francisco, California

Mr. Irving Kriegsfeld, Housing specialist
The Management Partnership, Inc.
Washington, D.C.

Ms. Grace Olivarez, Director
Institute for Social Research and Development
Albuquerque, New Mexico

* * * *

Hearing # 4

San Francisco, California March 7, 1975

Dr. Dorothy I. Height, Chairperson
National Council of Negro Women, Inc.
Washington, D.C.

Ms. Margaret J. Gates, Attorney
Center for Women Policy Studies
Washington D.C.

Ms. Dorothy Gazzolo, Associate Director
National Association of Housing; and
Editor, Journal of Housing
Washington, D.C.

Ms. Nadien Hata, Vice Chairperson
California State Advisory Committee
Los Angeles, California

Mr. Irving Kriegsfeld, Housing specialist
The Management Partnership, Inc.
Washington, D.C.

Ms. Ethel J. Williams, Chief
Civil Rights Compliance
D.C. Department of Human Resources
Washington, D.C.

* * * *

Hearing # 5

New York City April 11, 1975

Dr. Dorothy I. Height, Chairperson
National Council of Negro Women, Inc.
Washington, D.C.

Ms. Marie Bowden, National President,
National Federation of Business and Professional Womens' Clubs
Washington, D.C.

Ms. Jane Chapman, Co-Director
Center for Women Policy Studies
Washington, D.C.

Ms. Angie Cabrera
National Puerto Rican Forum
New York, New York

Mr. Irving Kriegsfeld, Housing specialist
The Management Partnership, Inc.
Washington D.C.

Ms. Gloria Steinem, Editor
Ms. Magazine
New York, New York

Mr. Robert Tucker. Attorney
Northwestern University School of Law
Chicago, Illinois

Ms. Rose Wylie, President
National Tenants Organization
Philadelphia, Pennsylvania

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Appendix F

HEARING WITNESSES*

Atlanta Hearing

Dr. Gloria E.A. Toote, former Assistant Secretary of Equal Opportunity
U.S. Department of Housing and Urban Development
Washington, D.C.

Davey Gibson, Commissioner

Frank Keller, City Planner

Professor Louis Schneider,
School of Urban Life, Georgia State

Maxine Robinson, Director
Inner City YWCA, Atlanta

Mary Hartman, Treasurer
NOW, Atlanta

Jackie Lassiter, Program Director
Georgia State Consumer Services

Mary Treadwell Barry, Director
Pride, Inc.. Washington, D.C.

Rhett Baird, Executive Secretary
Atlanta Region Open Housing Coalition

Lester Persells, Executive Director
Atlanta Public Housing Authority

Martha Gains, Chairperson
Program Development Committee,
Atlanta YWCA

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* The witnesses are listed here in the order of their appearance at the Hearings. Witnesses who testified as victims of discrimination are not included in this List.

Dottie Gibson
Atlanta-Fulton League of Women Voters

Mary Nelson, Realtor

Cynthia Hlass, Realtor

Ed Hiles, Executive Vice President
Georgia Savings and Loan League

Herbert Goree, Director
Housing Opportunity Center

Sherry Adams, Representative
Feminist Action Alliance in Atlanta

* * * *

St. Louis Hearing

Gwen Giles, Commissioner
Council on Human Relations for the City of St. Louis
Mayor's representative

Frank Avesing, Urban Sociologist and Population Analyst
Center for Urban Programs, St. Louis University

Tim Barry, Housing Director
East-West Gateway Co-ordinating Council

Robert A. Drohlich, Executive Director
Greater St. Louis Savings & Loan League

Sue Shear, State Representative
76th Legislative District, St. Louis County

DeVerne Calloway, Member
State Legislature
District 81, City of St. Louis

William Mueller, President
Mortgage Bankers Association of St. Louis

Mary Ellen Powell, Licensed Realtor for State of Missouri

Ms. Frankie Freeman, Attorney-at-law
    Commissioner, United States Commission on
        Civil Rights

Walter J. Stradal, Executive Vice-President
    Real Estate Board of Metropolitan St. Louis

Robert Permuter, President
    Institute on Real Estate Management

Betty Adams, Chairperson
    Missouri Commission on the Status of Women

Margaret Bush Wilson, appeared for
    James Sporleder, Administrative Assistant to the
        President
    Jeff Van-Der-Lou

Judy Sweeney
    NOW, St. Louis Chapter

Linda Stone, Chairperson
    Board of Directors of Womenkind, Inc.

Thomas Costello, Executive Director
    St. Louis Housing Authority

* * * *

San Antonio Hearing

Honorable Jose San Martin
    Mayor Pro Tem of San Antonio City

Paula Manning, Housing Planner
    Planning and Community Development Department
    City of San Antonio

Patricia Vasquez, Attorney-at-law
    Mexican American Legal Defense and Educational Fund

C. L. Hunicutt, President
    Mortgage Bankers Association

Mazie Hill, immediate past President
San Antonio Board of Realtors

Dorrie Woodson, Vice-President
NOW, San Antonio Chapter

Jan Macon, State President
Women's Political Caucus

Liz Davis, President
League of Women Voters, San Antonio

Katie Ferguson, Vice-Chairman
Board of Commissioners
San Antonio Housing Authority

Marilyn Wacker, Deputy Executive Director
San Antonio Housing Authority

Mr. Brown, Director
Consumer Services for the City of San Antonio

* * * *

San Francisco Hearing

Joseph Johnson for
Mayor of the City and County of San Francisco

George Moscone
State Senator, California

Glenda Skiffer, Associate Planner
San Francisco Planning Department

Moira So, Associate Planner
San Francisco Planning Department

Zaide Kirtley, Attorney-at-law
Kirtley and Levinson

Aileen Hernandez, Housing & Employment consultant
Hernandez and Associates

Edith Witt, Housing Staff Representative
San Francisco Human Rights Commission

Maxine Brown, Housing Planner
Association of Bay Area Governments, and
Co-ordinator, National Task Force and Housing Program
for NOW

Arlene Slaughter, Realtor
former Chairperson, Equal Rights Committee for the
California Real Estate Association

Dolly Sachs
Operation Sentinel

Elizabeth Bruenn, Community Organizer on Social Self-help
for the Elderly in Chinatown

Marilyn Jo Fillingham
Tenants' Action Group

Ms. Wright, President
UNITE

Ms. Walton, Vice President
UNITE

B.J. Miller
Fair Employment Practice Commission for the
State of California

Irving Weiner, Real Estate Broker

John W. Heckenlively
Mortgage Bankers Association of Northern California

Orville Pratt
Apartment House Association Consolidated

Robert Hoilien, Administrative Vice-President
Home Federal Savings and Loan Association

Cleo Wallace
Public Housing Commission

* * * *

New York City Hearing

Dr. Gloria E.A. Toote, former Assistant Secretary for
Equal Opportunity
U.S. Department of Housing and Urban Development
Washington, D.C.

Carol Bellamy
State Senator, New York

Jolie Hammer, Deputy Borough President
Manhattan, for Borough President Percy Sutton

Evelyn Mann, Director for Population Research
Department of City Planning, City of New York

Barry Light, Director
Housing and Community Development
Department of City Planning, City of New York

Emily Jane Goodman, Attorney-at-law
Manhattan

Barbara Shack, Assistant Director
Womens' Rights Project
New York Civil Liberties Union

Leila Long, Assistant Administrator for Equal Opportunity
New York City Housing and Development Administration

Janice Goodman, Attorney-at-law
Blank, Goodman, Kelly,Roam and Stanley

Ed Potter, Director of Research
Real Estate Board of New York

Peggy Conegy, Real Estate Broker

Clara Fox, Executive Director
Settlement Housing Fund

Beulah Sanders, representative
Workers for Welfare Justice

Debra Kriss, representing
Councilwoman Carol Greitzer

Carol DeSaram, President
New York Chapter, NOW

Eleanor Holmes Norton, Chairperson
New York City Commission on Human Rights

Toni Thomas
    Office of Fair Housing & Equal Opportunity,
    Department of Housing & Urban Development,
    Washington, D. C.

Jean O'Leary
    Lesbian Feminist Liberation

Nath Rockhill, Legislative Director
    National Gay Task Force

Alice Cumba
    East Harlem Tenants Council

Betty Lou Scandling, Insurance Broker

Stephanie Bush, Housing Counselor
    Open Housing Center
    New York Urban League

Edith Novak, Assistant Counsel
    New York State Banking Department

Madeline Rhodes, Deputy Director of Management
    New York City Housing Authority

Dorothy Hammerman, Chief of Tenant Selection
    New York City Housing Authority

Appendix G

MARITAL STATUS DISTRIBUTION
of
FHA (Section 203b) MORTGAGORS, 1972

NEW HOMES

City	Total Married %	Other Total %	Unmarried Male %	Unmarried Female %	To Be Married %	Other Combination %
Atlanta	98.2	1.8	1.2	0.6	0.0	0.0
St. Louis	94.2	5.8	2.5	1.6	1.7	0.0
San Antonio	95.0	5.0	2.0	2.0	1.0	0.0
San Francisco	88.1	11.9	6.3	5.3	0.1	0.2
New York	94.2	5.8	2.3	0.8	2.3	0.4

Source: Data for States and Selected Areas: Characteristics of FHA Operations under Section 203, HUD-SOR-3, 1972

Appendix H

MARITAL STATUS OF WOMEN IN FIVE METROPOLITAN AREAS (1970)

SMSA	Not-Married Female* %	Not-Married Male* %
Atlanta	43.1	35.6
St. Louis	44.1	35.2
San Antonio	45.2	41.4
San Francisco	45.9	42.3
New York	48.1	39.6

* Includes Single, Divorced, Separated and Widows or Widowers

Source: U.S. Department of Commerce, Bureau of the Census, 1970

Appendix I

AGE AND SEX OF FAMILIES WHO MOVED INTO RENT SUPPLEMENT HOUSING IN TWO HUD REGIONS (1973-74)

AGE GROUP	New York		San Francisco	
	Male	Female	Male	Female
Under 25	105	99	133	216
25-34	178	226	139	286
35-44	88	155	93	168
45-54	62	143	49	154
55-61	33	75	32	106
62-64	33	99	21	111
65-69	60	154	31	160
70-74	25	119	12	136
Over 74	28	121	17	153

Eds. Note: In 1970, there were 8,436,167 men over 65 and 11,665,002 women. There were 5,325,636 men and 7,792,192 women over 70.

Appendix J

STATES WITH FAIR HOUSING LAWS APPLICABLE TO SEX DISCRIMINATION

Alaska	Alaska Stat. §§ 18.80.240, 250
Colorado	Colo.Rev.Stat.Ann. § 69-7-5
Connecticut	Conn.Gen.Stat.Ann. § 53-35 Conn.Legis.Serv.,Pub.Act 74-80 § 53-34 Conn.Gen.Stat.Ann.Pub.Act 73-573 § 2
Delaware	Del.Code Ann.tit.6, § 4603
Hawaii	Hawaii Rev.Stat. §§ 515-3, 5
Idaho	Idaho Code § 67-5909
Illinois	Ill.Const.Art. 1, § 17
Indiana	Ind.Code § 22-9-1
Iowa	3 Iowa Leg.Serv.,263 Senate File 487 § 601A.3
Maine	Me.Rev.Stat.Ann.tit.5, § 4582
Maryland	Md.Ann.Code art.49B §§ 22, 23
Massachusetts	Mass.Gen. Laws Ann., ch. 151B, §§ 4(3B)
Minnesota	Minn.Stat.Ann. § 363.03(2)
Montana	Mont.Rev.Codes Ann. § 64-306(3), (4)
Nevada	Nev.Rev.Stat. §§ 118.100; 207.310
New Hampshire	N.H.Rev.Stat.Ann. § 354-A:8(v)
New Jersey	N.J.Stat.Ann. §§ 10:5-12(g)-(i)
New Mexico	N.M.Stat.Ann. §§ 4-33-7(G), (H)
New York	N.Y.Exec.Law §§ 296(5), 296a(1)
Ohio	Ohio Rev.Code Ann. § 4112.02(H)
Oregon	Ore.Rev.Stat. § 659.033
Pennsylvania	Pa.Stat.Ann.tit.43 § 955(H)
South Dakota	S.D.Compiled Laws Ann. §§ 20-13-20, 21
Virginia	Va.Code Ann. §§ 36-88, 90
Washington	Wash.Rev.Code Ann. § 49.60.222
District of Columbia	Dist. of Col.,Rules and Regs.tit.34,ch.13 § 13.3

Appendix K

RESOURCE PUBLICATIONS

Bish, Musa, Bullock and Milgram, *Racial Steering: The Dual Housing Market and Multiracial Neighborhoods*, (June, 1973).

Grier, George W., *Bias in Newspaper Real Estate Advertising*, Washington, D.C., Washington Center for Metropolitan Studies, (1970).

Hecht, James L., *Because It Is Right: Integration in Housing*, (Boston: Little, Brown, and Company, 1970).

Helper, Rose, *Racial Policies and Practices of Real Estate Brokers*, (Minneapolis: University of Minnesota Press, 1969).

Leadership Council for Metropolitan Open Communities, *Guide to Practice Open Housing Under Law*, (155 North Wacker Drive, Chicago, Illinois 60606).

Midpeninsula Citizens for Fair Housing, *Audit Handbook: Procedures for Determining the Extent of Racial Discrimination in Apartment Rentals*, (457 Kingsley Avenue, Palo Alto, California 94306).

Ralph Nader and Donald Ross, *A Public Citizens Action Manual*, (New York, Grossman, 1973).

National Urban League, *The Right to Live, The Freedom to Buy*, (February, 1972).

Saltman, Juliet A., *Open Housing as a Social Movement: Challenge to Conflict and Change*, (Lexington, Massachusetts, Heath Lexington Books).

U.S. Commission on Civil Rights, *The Federal Civil Rights Enforcement Effort -- 1974*, Volume II, (December 1974).

________., *Mortgage Money: Who Gets It?*, (June 1974).

________., *Understanding Fair Housing*, (February 1973).

U.S. Department of Housing and Urban Development, *Fair Housing U.S.A.*, (May 1973).

________., *Local Funding and Action Strategies For Fair Housing*, (April 1975).

________., *Your Housing* Rights, (1973).

U.S. Department of the Treasury, *General Revenue Sharing and Civil Rights*, (Washington, D.C.).

Appendix L

Research Centers, Institutes, and Clearinghouses

Advocates for Women, 654 Market Street, San Francisco, Calif. 94104. An economic development center working on employment and credit discrimination and aiding women starting their own businesses. Offers job workshops, counseling, skill banks, job listings, and blue collar apprenticeships programs in the San Francisco area. Services free. Also available: a directory of women in business in San Francisco ($2.50).

Black Women's Employment Project, NAACP Legal Defense and Educational Fund, Inc., 10 Columbus Circle, New York, N.Y. 10019. A research and education program planning a nationwide study of discrimination against black women in employment. Interested in class action suits.

Black Women's Institute, National Council of Negro Women, 1346 Connecticut Avenue N.W., Washington, D.C. 20036. Sponsors education and research program designed to collect, interpret, and distribute information for and about black women and their families. Operates Resource Service Center which assists women with employment, day care, health, education, legal assistance, and welfare rights.

Center for the American Woman in Politics, Eagleton Institute of Politics, Rutgers University, New Brunswick, N.J. 08903. A non-partisan research and information center committed to increasing knowledge about American women's participation in government and politics. Activities include model educational programs, research, conferences, and disseminating information.

Center for the Study of Women in Society, 4339 California Street, San Francisco, Calif. 94118. A nonprofit group affiliated with the Scientific Analysis Corporation, designed to assist research projects about the role and status of women in society.

Center for Women Policy Studies, 2000 P Street N.W., Suite 508, Washington, D.C. 20036. A research institute currently working on credit discrimination and the legal and medical treatment of rape victims. Has investigated "Women and Policing," women and Federal programs, and the economic status of women internationally. Project reports available to the public.

The Feminist Press, Box 334, College at Old Westbury, Old Westbury, N.Y. 11568. Clearinghouse for information on non-sexist education. Projects include workshops on sexism in children's books, in-service courses for teachers, clearinghouse on women's studies, the "Women's Studies Newsletter," and new curriculum materials. Has published more than a dozen paperback feminist biographies, nonsexist children's books, and reprints of various works by women. More to come.

KNOW, Inc., P.O. Box 86031, Pittsburgh, Pa. 15221. Nonprofit feminist publisher of reprints, course designs, and other books, and a bulletin, "KNOW News." List of over 200 offerings available (include stamped, self-addressed envelope).

National Chicana Institute, P.O. Box 50155, Dallas, Texas 75250. An umbrella group coordinating the activities of several Chicana organizations doing research on problems facing Chicanas.

NEA Resource Center on Sex Roles in Education, 1201 16th Street, N.W., Washington, D.C. 20036. Designed to prepare nonsexist materials for schools and community groups, to develop a national clearinghouse, and to provide technical assistance to others doing research and projects. Newsletter available.

New Feminist Talent, 250 West 57th Street, New York, N.Y. 10019. A feminist speakers bureau. Fees for speakers, who include Bella Abzug, Betty Friedan, and Sissy Farenthold, range from $200 to $3,000.

Project on the Status and Education of Women, Association of American Colleges, 1818 R Street N.W., Washington, D.C. 20009. Compiles materials on the status of women in higher education. Publications available include summaries of pertinent legislation, lists of professional women's caucuses, and a newsletter, "On Campus with Women."

Women's Action Alliance, 370 Lexington Avenue, New York, N.Y. 10017. Provides organizing assistance and "information packets" on the women's movement, discrimination in State and local government, and the organization of child care centers and women's centers; is developing a nonsexist early childhood education program (description available for 25 cents); maintains a national communications and referral network for women. Also available: "Women's Action Alliance Directory" (of women's groups).

Women's History Research Center, Inc., Library, 2325 Oak Street, Berkeley, Calif. 94708. Maintains archives of materials on women's movement; has organized the Women's Periodical Archive, available on microfilm as "Herstory" from Bell and Howell, Old Mansfield Road, Wooster, Ohio ($550 for 23 rolls). Also available: "Films by and/or about Women"—a directory of filmmakers, films, and distributors ($3 to individual women; $5 to groups, etc.) and price lists of other Center publications ($1 with stamped, self-addressed envelope).

Women's Institute for Freedom of the Press, 3306 Ross Place N.W., Washington, D.C. 20008. Researches structure of the communications industry and the role of mass media in maintaining male dominance in society. Newsletter: *Media Report to Women* ($10 to women, $15 to others).

Women's Media Alliance, 155 East 77th Street, New York, N.Y. 10021. A group of women involved in television and films. Plans include public hearings on discrimination in the media; will use material gathered to set up a resource center. Film showing media abuses is in production.

Women on Words and Images, P.O. Box 2163, Princeton, N.J. 08540. Combats sexism in education. Pamphlet, "Dick and Jane as Victims," on sexism in children's texts ($1.50). Also available, for rent: 25-minute slide show on sex stereotypes in primers.

Legal Aid Information

ACLU Women's Rights Project, 22 East 40th Street, New York, N.Y. 10016. Handles constitutional litigation; lobbies for national legislation, and disseminates information. A book, *The Rights of Women*, by Susan Consuelo Ross, now available from Avon paperbacks ($.95).

NOW Legal Defense and Education Fund, Inc., 641 Lexington Avenue, New York, N.Y. 10022. The litigation, research, and education arm of the National Organization for Women (tax-exempt). Assists in court cases involving precedents and/or class actions; sponsors public service advertising and other public education projects.

WEAL Educational and Legal Defense Fund, 799 National Press Building, Washington, D.C. 20004. Helps pay costs of legal cases; researches, studies, and publishes information on sex discrimination. In the future: a report on women and fellowship and training awards, and an information center on legal remedies for women in education.

Women's Centers

Space permits us to list only a few of the many women's centers now operating. Of our four examples, three are of special interest to minority women, and one is of general interest to all women. Such centers as these can serve as models for the development of similar centers in other cities.

Asian Women's Center, 722 South Oxford Avenue, Los Angeles, Calif. 90005. An organization devoted to the needs of Asian women, with programs concerning education, drug abuse, health, child development, and general counseling.

Black Women Organized for Action, P.O. Box 15072, San Francisco, Calif. 94115. Maintains talent bank of black women; monitors government activities, and publishes a newsletter with job listing. Is planning a program of nonpartisan political education.

Chicana Service Action Center, 5340 E. Olympic Boulevard, Los Angeles, Calif. 90022. Handles job placements and training, and provides supportive services and counseling concerning welfare, immigration, child care, etc. Publishes "SAC Newsletter."

Rape Crisis Center, P.O. Box 21005, Washington, D.C. 20009. Handles counseling and medical and legal referrals for rape victims. Holds classes in self-defense, and has available several pamphlets on counseling, setting up a crisis center, and on changing rape laws. Has become a national clearinghouse for information on rape.

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APPENDIX M

EQUAL OPPORTUNITY FOR WOMEN
IN HOUSING:
A BIBLIOGRAPHY

FIRST EDITION

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